

## **Minutes of the Blythe City Council September 12, 2017**

The September 12, 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 participated via teleconference. Staff in attendance included: Interim City Manager and City Clerk Crecelius, City Treasurer and Interim Finance Director Elms, Police Chief Wade, Planner Burrow, Public Works Director Baldizzone and City Attorney Bettenhausen.

The Pledge of Allegiance was led by Mayor DeConinck. The Invocation was offered by Councilman Galvan.

**REPORT FROM CLOSED SESSION:** City Attorney Bettenhausen stated Council entered Closed Session at 5:00pm to discuss Item #1 Labor Negotiations with the Sworn, Non-Sworn and Management Units, Item #2, Public Employee Appointment, Finance Director, Item #3, Personnel, City Manager Recruitment and Item #4, Conference with Legal Counsel, potential litigation. 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, near the inside entrance of the Council Chamber and in the Lobby of Quality Inn Sacramento Convention Center at 818 15<sup>th</sup> Street, Sacramento, CA 95814 on Friday, September 8, 2017.

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

Recommendation: Approve **9/12/17**, warrants numbered 66523, 66524, and 66630 through 66676 and Utility Billing Warrants numbered 66677 through 66694 in the amount of \$1,408,505.60; **9/12/17**, warrants numbered 66525 through 66629 in the amount of \$151,294.71 and **9/12/17**, warrants numbered 66695 through 66774 in the amount of \$528,595.57.

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

Recommendation: Approve **9/12/17**, warrants numbered 49572 through 49602 and Direct Deposits numbered 40031 through 40086 in the amount of \$248,083.18; **9/12/17**, warrants numbered 49603 through 49619 in the amount of \$13,677.74; **9/12/17**, warrants numbered 49652 through 49659 and Direct Deposits numbered 40143 through 40242 in the amount of \$69,899.18 and **9/12/17**, warrants numbered 49621 through 49651 and Direct Deposits numbered 40087 through 40142 in the amount of \$248,651.15.

**4. Minutes of the August 8, 2017 City Council Meeting.**

Recommendation: Approve the Minutes of the August 8, 2017 Meeting.

**5. Minutes of the August 15, 2017 Special City Council Meeting.**

Recommendation: Approve the Minutes of the August 15, 2017 Meeting.

**6. City of Blythe Permits Issued in August 2017.**

Recommendation: Receive and file this monthly report.

**7. City of Blythe Fire Department Monthly Activity Report for August 2017.**

Recommendation: Receive and file this monthly report.

**8. Joint Use Agreement between City and PVUSD for Use of Facilities.**

Recommendation: Authorize the City Manager to enter into an Agreement with the Palo

Verde Unified School District.

9. **Joint Use Agreement between the City and PVUSD for Police Services.**  
Recommendation: Authorize the City Manager to execute any and all actions necessary to enter into a MOU with PVUSD to fund one half of one Officer's salary for the 2017/18 school year.
10. **California Air Resources Board Lease Extension.**  
Recommendation: Authorize the City Manager to execute the lease extension for the air monitoring station located at 445 West Murphy St.
11. **Street Improvement Design Award.**  
Recommendation: Authorize the City Manager to award the design of five (5) street projects to the low bidder in an amount not to exceed \$353,000.
12. **Palo Verde Irrigation District Annual Election.**  
Recommendation: Appoint the Mayor to serve as the City's Proxy to cast all votes in the September 19<sup>th</sup> PVID Election.
13. **Non-Sworn Unit's MOU Adoption.**  
Recommendation: Adopt Resolution No. 2017-035 adopting changes to the Non-Sworn MOU.

*RESOLUTION NO. 2017-035. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING A MEMORANDUM OF UNDERSTANDING FOR THE NON SWORN UNIT FROM FEBRUARY 26, 2016 TO JUNE 30, 2018.*

14. **Sworn Unit's MOU Adoption.**

Recommendation: Adopt Resolution No. 2017-036 adopting changes to the Sworn MOU.

*RESOLUTION NO. 2017-036. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING A MEMORANDUM OF UNDERSTANDING FOR THE SWORN UNIT FROM FEBRUARY 26, 2016 TO JUNE 30, 2018.*

15. **Destruction of Financial Records for Fiscal Year 2011/12.**

Recommendation: Adopt Resolution No. 2017-034.

*RESOLUTION NO. 2017-034. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA AUTHORIZING THE DIRECTOR OF FINANCE TO DESTROY CERTAIN FINANCIAL RECORDS AND DOCUMENTS FOR FISCAL YEAR 2011/12.*

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

**CONTINUED BUSINESS:**

**Naming a City Street in Honor of John Dobbs.** Interim City Manager Crecelius stated at the last meeting Council held a discussion related to naming a City Street or Facility in memory of John Dobbs. Several facilities were proposed including the Fire Department or Fireworks show, a city street, or memorial highway, the club house at the Golf Course, the entire Golf Course or Quechan Marina. At the end of the discussion Council directed staff to research any issues with changing the name of the Golf Course and Marina. No issues were found; but in regards to the Marina, a letter should be sent to the County and State as a courtesy if the name of Quechan Marina is changed. In regards to the Golf Course, the Golf Course is currently leased by BNB Golf Management. I reached out to David Bayles, one of the partners and although he whole heartedly supports naming something in memory of John, he thinks re-naming the Golf Course would be a marketing nightmare. BNB has been contemplating a rebranding strategy as a lot of golf courses have dropped municipal from their names as it is synonymous with a rundown facility. Mr. Bayles suggested if the Golf Course is the desired location, the putting green or driving range be re-named and fund could be raised to build a nice patio or other amenity to improve the facility while honoring Mr. Dobbs. Another issue raised with this

discussion was the five year waiting following the departure, death or retirement of a City employee or elected official. This is no waiting period for non City staff or officials. It was suggested the policy should be amended to include a one year waiting period for everyone. This change would apply to any future discussions.

Mayor DeConinck excused himself due to a potential conflict of interest.

Vice Mayor Wade asked if Mr. Bayles was aware of the putting range, driving range and club house as possible options. It was reported staff believes he is aware of the club house. Vice Mayor Wade stated he never intended it to be the entire golf Course. Someone mentioned it and it picked up momentum.

Councilman Galvan stated he spoke to David about extending the patio and his idea is really nice.

Vice Mayor Wade stated he is now leaning towards Quechan Park.

Councilman Galvan stated he thought requests for proposals were going to be sent out to look for someone to lease the park. It was reported direction was given to look into it. Councilman Galvan thinks there might be issues with renaming the park if someone were to lease it.

Councilman Egan moved to name Quechan Park the John Dobbs Memorial Marina. The motion died for lack of a second.

Councilman Galvan would like the public Works Director to finish his research on leasing the park and see what he suggests.

Vice Mayor Wade stated this has gone on longer than I imagined. I was hoping to have something to present to the family by September 30<sup>th</sup> .

No public comment. A special meeting will be schedule to present the findings of Public Works Director Baldizzone's findings.

**Manhole Rehabilitation.** Public Works Director Baldizzone stated in August Council authorized a purchase order to Sancon Engineering to fix two manholes while the company was here to work at the Waste Water Treatment Plant. When they started work at the WWTP the bypass system failed. I added three manholes to the list to keep them busy in Blythe until the bypass could be fixed and Sancon could continue with the repair at the WWTP. The cost of each manhole was \$8,600 for a total of \$25,740. The City provided frame and cover for the manhole at La Palmoa for a discount. The total cost of the manhole repair was \$44,410. It is recommended Council authorize the City Manager or her designee to approve the invoice for manhole rehabilitation from Sancon Engineering in the amount of \$44,410.

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

**Commercial Cannabis Application Process.** Interim City Manager Crecelius stated the Commercial Cannabis Application Process has been discussed in a Study Session and at several Council meetings. On July 11<sup>th</sup> the Application Process was on the Agenda for adoption when staff asked Council to continue the item to coincide with amendments to the Commercial Cannabis Ordinance. As the Ordinance Amendments are on tonight's agenda for first reading we can now move forward with adopting the Application process for Commercial Cannabis Businesses and start accepting applications. Originally, applications were to be received from August 2<sup>nd</sup> to October 9<sup>th</sup>. Staff is now proposing to accept applications from September 18<sup>th</sup> to close of business on November 17<sup>th</sup>. It is recommended Council Adopt Resolution No. 2017-033, adopting the rules and regulations for the Cannabis Application Process and Issuance of Commercial Cannabis Business Permits.

No public comment. Vice Mayor Wade moved approval of Resolution No. 2017-033. The motion was seconded by Councilman Egan with a unanimous aye vote.

***RESOLUTION NO. 2017-033. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADOPTING RULES AND REGULATIONS FOR THE CANNABIS APPLICATION PROCESS AND ISSUANCE OF COMMERCIAL CANNABIS BUSINESS PERMITS.***

**NEW BUSINESS:**

**Cannabis Ordinance Amendments.** Interim City Manager Crecelius stated due to changes made at the State Level the City's Cannabis Ordinance required some amendments. The state required amendments along with staff proposed amendments were presented in a Study Session held on August 15<sup>th</sup>. All changes discussed at that meeting are incorporated into the attached Ordinance. During the Study Session several other items were raised including laws governing the advertising of cannabis, if the City could require the operator to comply with federal laws and laws imposed on outdoor cultivation. As for advertising, Prop 64 imposes restrictions on advertising which our ordinance is in compliance with. With respect to federal laws, we can require applicants to be in compliance with all federal laws that deal with farming practices. These changes have also been incorporated into the attached Ordinance. Staff has done research related to outdoor cultivation and would like to proceed with that item separately. A follow up study session will be scheduled to further discuss how Council would like to move forward with outdoor cultivation. One other item not discussed at the Study Session was the addition of microbusinesses which would allow a dispensary to cultivate up to 10,000 sq feet. It is recommended Council conduct the first reading of Ordinance No. 885-17 by title only, waiving further reading.

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

***ORDINANCE NO. 885-17. 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.***

**Boxing Ring at Joe Wine Blythe Recreation Center.** Interim City Manager Crecelius stated as the boxing ring is no longer in use at the Recreation Center, the item was deemed

surplus and excess by Council. Staff put the item out to bid with a minimum bid amount of \$1,000. Over 20 notices were sent to boxing clubs, the notice was posted on the City's website and in the PV Times. One bid in the amount of \$400 was received. As this bid is far lower than the requested amount, staff recommends Council reject the bid and authorize staff to re-bid the ring using alternative methods of advertising such as craigslist.

Councilman Galvan would like to lower the bid to \$500. You have to consider they have to disassemble it and carry it off.

No public comment. Councilman Reynolds moved to set the minimum bid at \$500. The motion was seconded by Vice Mayor Wade with a unanimous aye vote.

**Holiday Inn Express.** Interim City Manager Crecelius stated staff has been working with project applicant Nirmal Patel on his Holiday Inn Express project. As Council will recall, there were delays with this project when the CEQA was challenged. The challenge cost the applicant time and money while the lawsuit was defended. As the City was indemnified the project applicant was responsible for the City's legal fees. Due to a reported \$100,000 spent on defending the lawsuit and settlement Mr. Patel is asking for relief on his project's permit fees. To date the applicant has spent approximately \$27,000 on plan check fees. Staff estimates another \$118,000 due for permits and inspections, state taxes, connection and capacity fees and an art in public places fee of \$32,000. As staff cannot waive fees this item is brought to Council for direction. Staff does not have a recommendation. A deferment of the Art in Public Places fee could be considered, but once the Certificate of Occupancy is issued it makes it challenging to collect the funds in the future.

Public Comment. Nirmal Patel, project applicant stated he is asking for a reduction or waiver of all future permit fees aside from the art fee. We plan to deliver art for the project.

Interim City Manager Crecelius stated there are fees the City collects as a pass through to the State and could not waive those fees or the City would have to pay them. The permit and inspection fees are mainly staff time. The connection and capacity fees are collected for tapping into the water and sewer system.

Mayor DeConinck stated other towns charge a development fee which Blythe does not.

Councilman Galvan has a hard time waiving fees because the City needs money too.

Vice Mayor Wade stated he is ok with some relief, but not giving away the whole farm.

Councilman Reynolds stated we could give you some relief up front and you could pay more on the back side, maybe an extension.

Mayor DeConinck stated in the past it has always come back to bite the City because we have no way of putting any teeth into it. We have bent over backwards before and when its time to get our share we don't get it.

Councilman Reynolds stated I know we have set a precedent in the past that has come back to haunt us but I think we can move forward and do something to collect those fees.

Michelle VanDyke of 14271 Riverside Dr. stated you had a contract with Chanslor Place and Americap and that did not work.

Leslie Watkins of 1250 E. Hobsonway stated this is a tough subject because we are trying to find a way to bring business in. I don't know if it's too farfetched to ask staff to come back with a number as long as we don't give up the farm because we can't afford to.

Vice Mayor Wade moved approval of staff working with Mr. Patel to see where we can cut some costs with a report brought back to Council. The motion was seconded by Councilman Egan with aye votes from DeConinck, Wade, Reynolds and Egan and a no vote from Galvan.

**ORAL REPORTS:** None

**PUBLIC COMMENT:** None

**MEMBER COMMENT:**

Councilman Reynolds commended Blythe Fire for the efforts put into last Friday's fire and Public Works and the Police Department for assisting with the flooded streets after a rainstorm on Saturday.

Mayor DeConinck thanked Valerie Hudson and Lt. Coe for their help in the homeless meeting with Supervisor Perez. The Pal Dinner is on September 30<sup>th</sup>.

**ADJOURN:** The City Council meeting was adjourned at 7:06pm.

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Joseph DeConinck, Mayor

**ATTEST:**

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Mallory Crecelius, City Clerk