

Minutes of the Blythe City Council Meeting October 8, 2019

The October 8, 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, Chief Building Official Brown, Interim Public Works Director Ojeda and City Attorney Bettenhausen.

The Pledge of Allegiance and was led by Mayor Reynolds. Mayor Reynolds asked for a moment of silence in memory of Lincoln Edmond and Wally Shropshire.

The Invocation was led by Vice Mayor Egan.

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, October 4, 2019.
2. **Approval of the Warrant Register.**
Recommendation: Approve **10/8/19**, warrants numbered 70514 and 70516 through 70619 in the amount of \$320,952.77 and **10/8/19**, warrants numbered 70624 through 70673 in the amount of \$602,713.31.
3. **Approval of the Payroll Register.**
Recommendation: Approve **10/8/19**, warrants numbered 51302 through 51320 and Direct Deposits numbered 45721 through 45778 in the amount of \$214,542.73; **10/8/19**, warrants numbered 51321 through 51338 and Direct Deposits numbered 45779 through 45837 in the amount of \$207,684.21; **10/8/19**, warrants numbered 51339 through 51340 in the amount of \$1,479.32 and **10/8/19**, warrants numbered 51341 through 51345 and Direct Deposits numbered 45838 through 45944 in the amount of \$82,994.74.
4. **Minutes of the September 10, 2019 Special City Council Meeting.**
Recommendation: Approve the Minutes of the September 10, 2019 meeting.
5. **City of Blythe Permits issued for the Month of September 2019.**
Recommendation: Receive and file the monthly reports.
6. **City of Blythe Fire Department Monthly Activity Report for September 2019.**
Recommendation: Receive and file this monthly report.
7. **City of Blythe Police Department Monthly Activity Report for September 2019.**
Recommendation: Receive and file this monthly report.
8. **Donation from Regional Access Project (RAP).**
Recommendation: Accept a \$2,500 grant from RAP for the purchase of car seats and supplies needed to host a car seat clinic on October 26, 2019.
9. **Surplus Firearms.**
Recommendation: Declare the listed firearms as surplus property and direct staff to sell them to Inland Supply for the current market value. The value will be paid in ammunition and other firearm related training materials and equipment.
10. **Destruction of Certain Financial Records and Documents for Fiscal Year 2013/14.**
Recommendation: Adopt Resolution No. 2019-031 authorizing the destruction of financial records for FY 2013/14.

RESOLUTION NO. 2019-031. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA AUTHORIZING DIRECTOR OF FINANCE TO DESTROY CERTAIN FINANCIAL RECORDS AND DOCUMENTS FOR FISCAL YEAR 2013/2014.

11. Destruction of Police Department Records.

Recommendation: Adopt Resolution No. 2019-032, authorizing the destruction of all documents pertaining to the personnel report of Employee X150 regarding matters that became final on 9/15/19.

RESOLUTION NO. 2019-032. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE AUTHORIZING AND DIRECTING THE DESTRUCTION OF CERTAIN RECORDS AND DOCUMENTS PURSUANT TO THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

12. Adoption of an MOU for the Mid-Management Unit.

Recommendation: Adopt Resolution No. 2019-033 adopting an addendum to the Mid-Management MOU for the period of July 1, 2019 through June 30, 2020.

RESOLUTION NO. 2019-033. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING AN ADDENDUM TO THE MID-MANAGEMENT UNIT'S MEMORANDUM OF UNDERSTANDING FOR THE PERIOD OF JULY 1, 2019 THROUGH JUNE 30, 2020.

13. Zone Change- Southern California Edison Expansion Project.

Recommendation: Council conduct the second reading, by title only, of Ordinance No. 896-19 approving a change of zone from General Commercial (C-G) to Public/Quasi Public (P/QP) on 2.6 acres of the 7.47 acre site.

ORDINANCE NO. 896-19. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE APPROVING ZONE CHANGE 1810-001 BEING A CHANGE OF ZONE FROM C-G (GENERAL COMMERCIAL) TO P/QP (PUBLIC/QUASI PUBLIC) FOR 2.6 ACRES OF THE 7.47 ACRE SOUTHERN CALIFORNIA EDISON EXPANSION SITE.

No public comment. Councilman DeConinck moved approval of the Consent Calendar. The motion was seconded by Vice Mayor Egan with a unanimous aye vote. City Clerk Crecelius read the title of Ordinance No. 896-19 into the record.

PUBLIC HEARING:

Amendment Number One to Vested Cannabis Master Development Agreement.

Interim City Manager Crecelius stated the developer of the Palo Verde Center project requested to enter into a Development Agreement with the City for a proposed cannabis complex on Intake Blvd. The Agreement went into effect on December 28, 2017. Section 6.5 of the Agreement states termination of the Agreement may occur if the developer fails to acquire building permits within one year of the effective date of the Agreement. As the Developer was unable to secure building permits by December 28, 2018 he asked Council for a six month extension which was granted in December 2018 and expired in June. The Developer has asked for another extension. Staff and the City Attorney have prepared an Amendment to the Development Agreement extending this provision of the Agreement to June 27, 2020. As the original Agreement was adopted in 2017 some of the items have been completed or the circumstances have since changed. The Development Agreement required a Zone Change from Specific Plan Resort (SPR) to General Commercial (C-G) which would allow for a commercial cannabis business on the 78.41 acre project site. This Zone Change was completed in November 2018 and the amendment reflects this change. With this Zone Change the Developer is entitled by right, to operate a commercial cannabis business on this site with or without a Development Agreement. At the time the original Development Agreement was adopted the City did not have a voter approved cannabis tax in place. Due to that, the agreement outlines a public benefit fee to be paid by Developer. The developer is required to pay \$3 per square foot of cultivation space and 2.5% of gross receipts for all other cannabis businesses. If a tax were passed, the developer would receive a credit for this amount. As the adopted tax is \$3 for cultivation and 2% of gross receipts for all other cannabis businesses, per the terms of the Development Agreement Developer is responsible to pay the difference in the gross receipts of 1/2%. This is the only public benefit outlined in the

Development Agreement. The Developer has requested to amend items in the agreement, but as this is merely an extension of the original agreement and not a re-negotiation those items were not included in the attached amendment. If Council wishes to entertain these items it is recommended council direct staff to enter into negotiations with the developer. It is therefore recommended Council conduct the first reading, by title only waiving further reading of Ordinance No. 897-19 approving an amendment to the Development Agreement and confirm this will be the last extension to this agreement.

Steve Gregory of 5775 Long Ridge Rd. San Luis Obispo CA stated the first phase is 4 buildings of 600,000 sq. ft. The project is projected to be 16 buildings at 2.4 million sq. ft. Each phase will be 600,000 sq. ft. I would like to extend the Development Agreement to the properties that were purchased and contiguous to the original 80 acres. There is an additional 48 acres. We would ask that you also consider reducing the 2.5% gross receipts tax to 2% to conform to the current tax schedule in the City. We don't want to make it more expensive to be in Palo Verde Center.

Mayor Reynolds asked why you want to continue with the Development Agreement.

Steve Gregory stated it gives potential investors a degree of surety that this is for 30 years. Anything we can do to make this as enticing as possible is important. Saying we no longer have a Development Agreement with the City would be a negative.

Interim City Manager Crecelius stated the public benefit is twofold, the developer has some assurances they can continue their project without the conditions changing and the City in return receives something as well. Regardless of the tax, most if not all Development Agreements have some form of public benefit to the City or Agency they are entering into the Development Agreement with. There is really no reason for the City to move forward with a Development Agreement without some form of public benefit. Once the project is built a new Council could come in and totally change the cannabis zoning regulations and he would then be legally non-conforming and could operate his business in perpetuity or until the site is vacant for 1 year or more. There is nothing wrong with the current agreement. You can add acreage if you wish but there should be, especially with the time invested in this project, some benefit to the City to continue with this agreement.

Steve Gregory stated we are happy to make some type of contribution to the City.

Interim City Manager Crecelius stated it should be structured differently than the current agreement. It should be more of a one-time benefit. Whoever is ultimately awarded cannabis licenses for that project would then be responsible for the cannabis tax and that would be handled directly between the City and the licensee.

Mayor Reynolds stated I am in favor of having staff negotiate this with the applicant and bring it back to Council.

Councilman Halby stated the direction is that every time a building is opened there is a flat rate paid at that time.

Councilman DeConinck stated you have cleaned up part of the property, but I would like to see the rest cleaned up. You show progress by cleaning.

Steve Gregory made a commitment to have everything cleaned in the next 90 days.

Vice Mayor Egan made a motion to continue the Public Hearing to the November 12, 2019 City Council meeting. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

NEW BUSINESS:

Adoption of the 2019 California Building Codes. Chief Building Official Brown stated the next set of California Building Codes has been issued by the International Code Council (ICC). This process happens every three years. The City Council last adopted a new set of codes issued by ICC in the fall of 2015, which took effect January 2016. The codes are continually updated throughout each three year code cycle. Groups of stakeholders around the United States gather to adopt the best codes for the safety of all citizens in America. California takes those International Codes and after some additions and/or deletions, California adopts the California Building Codes to protect the communities and citizens within its State. Each jurisdiction is mandated to follow and uphold the California Codes. When we adopt the California Codes, we are given an opportunity to amend certain areas in the code, if we can prove that these changes are reasonable and necessary because of local climatic, geological, and topographical conditions within the City of Blythe and the Palo Verde Valley. The Development Services Department is asking the council to adopt the 2019 California Codes, and the appendices and amendments noted. With all of this being said, there are a few requirements in this code cycle that I would like to bring to your attention. In the 2019 California Electrical code, California Energy code, and the California Residential code, new homes will be required to install an electric vehicle charging station. The last code cycle required the infrastructure for an EVC, after January 2020, it must be installed in all new homes. One more change that I would like to bring to your attention is Photovoltaic Solar Systems. In the last code cycle a new home had to have a clear space on the roof to accommodate about 15 panels. The 2019 California Codes will require all new homes to be built with solar installed.

Public comment. Lashanta Curry of 2200 E. Donlon asked if there were any charging stations currently located in the City and how many will be added. It was explained the charging station will be required in new homes.

Vice Mayor Egan moved approval of conducting the first reading of Ordinance No. 898-19. The motion was seconded by Councilman Rodriguez with a unanimous aye vote. City Clerk Crecelius read the title of the Ordinance into the record.

ORDINANCE NO. 898-19. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE AMENDING TITLE 15, BUILDINGS AND CONSTRUCTION, AND TITLE 17, ZONING, OF THE BLYTHE MUNICIPAL CODE.

Interim City Manager asked to interrupt the meeting to introduce a new addition to the Blythe Police Department. Interim Lieutenant Walnoha introduced new Police Officer Jonathan Cardona.

Records Management System (RMS) and Server. Interim City Manager Crecelius stated the Police Department's current records management system is not automated resulting in the need to manually compile data and statistical information about crimes and reports taken in the City. For at least 10 years the City has been trying to find a way to automate the dispatch center, but cost has been the biggest challenge. To compound matters the FBI and Department of justice are requiring California agencies to become NIBRS compliant with automated submission of statistical information by January 2021. Our current records management system is not complaint with these new requirements. The Federal and State Governments had agencies

complete Readiness Assessments for compliance with these new mandates. The assessments identified agencies that would qualify for federal funding to upgrade their records management system. The Blythe Police Department qualified for funding and former Chief Wade and Dispatch Supervisor Pam Bush along with the help of Southwest, the City's IT experts quickly went to work preparing a grant. The grant was submitted in December 2018. In September we received word the City has been awarded a grant in the amount of \$298,350. The grant will cover the costs associated with upgrading the Records Management System. Not included in the grant are the ongoing licensing and maintenance costs estimated at \$25,000 per year. This expense will need to be identified in future budgets. It is recommended Council accept the grant, and direct staff to begin updating the records management system.

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

Committee Appointments. Mayor Reynolds stated due to a recent change in employment operating the Transit system in Needles I need someone to take over my positions on the CVAG Homelessness Committee and Energy and Environment Committees. Councilman Rodriguez will become primary on the Homelessness Committee. Councilman DeConinck will be the primary on the E&E Committee. Mayor Reynolds stated due to this new position there is a conflict of interest with my service on the MDAQMD Board and will need to step down as the alternate. Councilman Rodriguez will become the alternate on the MDAQMD Board and Councilman Halby will become the alternate on the E&E Committee.

Annual League of California Cities Conference Resolutions. Interim City Manager Crecelius stated The League of California Cities Annual Conference is October 16-18. Two Resolutions have been submitted for the Annual Business meeting. In order for the City's voting delegate to represent the City in the vote, the Council must form a position on the Resolutions. The first Resolution asks the California Public Utilities Commission to amend The Rule 20A program criteria to include projects in very high fire hazard severity zones and to increase funding allocations for Rule 20A projects. Rule 20A, created in 1967, is a program which funds projects for converting overhead electric and telecommunication facilities to underground electric facilities. Under the current criteria the project must have a public benefit and: eliminate an unusually heavy concentration of overhead lines, involve a street or road with high volume of public traffic, benefit a civic or public recreation area or an area of unusual scenic interest or be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research Guidelines. As the City of Blythe is one of the few cities in Riverside County not deemed a very high fire hazard severity zone it is recommended the Council take no position and abstain from voting on this Resolution. Any increase in funding allocations for the Rule 20A program will come from the rate payers. The second Resolution calls upon the Federal and State Governments to address the impacts of international trans-boundary pollution flows into the southernmost regions of California and the Pacific Ocean by restoring and ensuring proper funding for the U.S.-Mexico Border Water Infrastructure Program (BWIP). The new River in Imperial County and Tijuana River in San Diego County are major sources of raw sewage, trash, chemicals, heavy metals and toxins that pollute local communities, cause beach closures, impact farmlands and contribute to the Salton Sea crisis. The root cause is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs. The degradation of existing water treatment infrastructure coincides with the federal government's defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding altogether. It is recommended Council adopt a yes position on this Resolution in support of calling on the State and Federal Governments to address these water

quality issues at the border. Vice Mayor Egan will represent the City's position on these Resolutions during the business meeting.

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

ORAL REPORTS:

Councilman DeConinck reported on the PAL Dinner.

Mayor Reynolds reported on upcoming Homecoming activities, Bazaar and gave an update on the Christmas Parade.

PUBLIC COMMENT:

Sandy Hudson of 9646 4th Avenue reported on the condition of the community. It is a dirty and trash filled place. What is the plan with keeping up with the trash? You really need to do something to help. You have a responsibility to keep this place clean and sanitary.

Troy Fabanich, President of the Blythe Police Officers' Association stated the Association held a meeting on August 29th and voted and agreed to support Joshua Coe in the upcoming selection process for the next Chief of the Blythe Police Department. He read a letter of support for Joshua Coe into the record.

Keith Walnoha, Interim Lieutenant made statements in support of Josh Coe for Chief of Police. In my opinion when outside Chiefs are brought in, it creates lower morale, elimination of promotion and movement within the ranks creating a department that is stagnant.

Rich Crabb, a 20 year Police Department employee made statements in support of Josh Coe for Chief of Police. Please do the right thing and approve him as Chief of Police.

Pam Bush stands here to show her support for Josh Coe as the next Chief of Police. Employees are doing more with less because we love the City and take pride in our jobs. Chief Coe has given his time and dedicated his career to this community. Hiring from the outside has proven to be costly. Please talk to members of the Police Department to see how they feel and take this under consideration when making a decision.

Shelley Soto stated the employees of the Blythe Police Department support Joshua Coe as the next Chief of Police and feel he is the best person for that position. Please look at what Chief Coe has been able to accomplish in the past six months.

ADJOURN: The City Council meeting was adjourned at 7:04pm.

Dale Reynolds, Mayor

ATTEST:

Mallory Crecelius, City Clerk