

Minutes of the Blythe City Council November 13, 2018

The November 13, 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, Finance Director and City Treasurer 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 the City Council entered Closed Session at 5:15pm to discuss three items, Labor Negotiations and two cases of Existing 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 and near the inside entrance of the Council Chamber on Friday, November 9, 2018.

2. Approval of the Warrant Register.

Recommendation: Approve **11/13/18**, warrants numbered 68940 through 69039 in the amount of \$298,917.73 and **11/13/18**, warrants numbered 68872 through 68933 and Utility Billing Refund Warrants numbered 68934 through 68939 in the amount of \$326,482.19.

3. Approval of the Payroll Register.

Recommendation: Approve **11/13/18**, warrants numbered 50630 through 50647 and Direct Deposits numbered 43160 through 43220 in the amount of \$239,035.77; **11/13/18**, warrants numbered 50648 through 506544 in the amount of \$3,698.96; **11/13/18** warrants numbered 50657 through 50658 in the amount of \$7,233.13; **11/13/18**, warrants numbered 50659 through 50676 and Direct Deposits numbered 43221 through 43281 in the amount of \$233,175.04 and **11/13/18**, warrants numbered 50677 through 50681 and Direct Deposits numbered 43282 through 43384 in the amount of \$71,124.66.

4. Minutes of the October 30, 2018 City Council Meeting.

Recommendation: Approve the Minutes of the October 30, 2018 meeting.

5. City of Blythe Permits issued for the Month of October 2018.

Recommendation: Receive and file this monthly report.

6. City of Blythe Fire Department Monthly Activity Report for October 2018.

Recommendation: Receive and file this monthly report.

7. City of Blythe Police Department Monthly Activity Report for October 2018.

Recommendation: Receive and file this monthly report.

8. First Quarter Investment Report for FY 2018/19.

Recommendation: Receive and file this quarterly report.

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

PUBLIC HEARING:

Major Zoning Variance for Edgewater Lane Amended Tentative Tract Map No. 34480. Interim City Manager Crecelius stated the Edgewater Land Development Tentative Tract Map No. 34480 was approved by the City Council in 2006 for development of a 46-lot residential subdivision on a 20-acre parcel located east of Riviera Drive on the west bank of the Colorado River, south of Interstate 10. The amended TTM as proposed now includes 30 long lots with a minimum width of 55-feet, each with river frontage on the east and Riviera Drive on the west. The proposed lot width is less than the minimum zoning standard of 65-feet which requires the City to approve a zoning variance as a part of its acceptance of the amended TTM. An Initial Study and Mitigated Negative Declaration was completed and approved for the project in 2006. The proposed zoning variance was not included in the original TTM or the CEQA document and does qualify as a new discretionary approval by the City Council that must be supported in part by documentation that satisfies CEQA requirements. The City determined that the proposed lot width variance is not expected to create any additional adverse environmental impacts, and completion of a Negative Declaration would be adequate documentation for CEQA compliance to address the proposed zoning variance. The City Council adopted the Initial Study/Negative Declaration at the October 9, 2018 meeting. The current zoning designation for the Edgewater Lane Tentative Tract Map is Low Density Residential. Chapter 17.10.010, lot area, width and depth of Title 17, Zoning of the Blythe Municipal Code requires a minimum lot width of 65 feet in the R-L-1 Zone. Due to this regulation, the applicant has requested a Zoning Variance to allow for a lot width of 55 feet for his Amended Tentative Tract Map. The proposed 10 foot reduction in lot width would allow the applicant to develop his project with 30 long lots, each with river frontage. Requiring a lot width of 65 feet per lot would reduce the number of buildable lots making it less feasible for the applicant to develop. The project design with 55 foot lot wide as currently proposed is consistent with other communities along the Colorado River. Chapter 17.10.010 currently allows for lot widths of 50 feet in the Low Density Residential (R-L-2) Zone. This Amended Tract Map was discussed with Council in a Study Session held this past summer. At that meeting staff and the applicant were given direction from Council to proceed with the Final Tract Map as Amended once all conditions of approval had been agreed to by the applicant and staff. Staff and applicant are currently working to finalize the conditions of approval. The Final Map along with Conditions will be presented to Council in December. Tonight's action will only approve a Variance relating to lot widths for this project. A Public Notice inviting the public to attend this Public Hearing was published in the Palo Verde Times on Wednesday, October 31, 2018. A notice of the Hearing to discuss the Variance was also mailed to all property owners within a 300 foot radius of this proposed development. Therefore, subsequent to the public hearing it is recommended Council adopt Resolution No. 2018-042 approving the Major Zoning Variance VAR 1809-001 for Amended tract Map 344801.

Mayor Reynolds stated that he has a concern with the lot widths. Doing away with the center road separating the lots has been an issue for me. How is fire protection going to happen on these extra long lots? How will the fire trucks get into that area? The end of the lots will front the river and the banks catch on fire. That's another issue that arises. A

10 ft opening is not enough. How will you get back there to put the fire out? I have these concerns looking over the map and reconfiguration.

Mayor Reynolds opened the public hearing.

Scott McKhann, project applicant stated the variance is relative to lot width, not lot depth and specifically there is a 20 foot easement along the top of the bank that will be passable for trucks. All new homes in California are required by state law to have fire sprinklers. I will work with the fire marshal to make sure that all fire precautions he requires are in place. A condition of approval for the amended tract map was to have at least one side of the house with a 10ft side yard around one side and a 5ft side yard on the other.

The public hearing was closed. Councilman DeConinck moved approval of staff's recommendation. The motion was seconded by Vice Mayor Egan with aye votes from Egan, DeConinck, Rodriguez and Halby and a no vote from Reynolds.

WRITTEN COMMUNICATION:

Commercial Cannabis Sensitive Area Exemption- 401 W. Barnard. Interim City Manager Crecelius stated in June, City staff and members of the Blythe Narcotics Enforcement team shut down a cannabis cultivation operating at 401 W. Barnard without a Commercial Cannabis Business permit or necessary building permits. Principals for that operation have been cooperative with staff and now wish to obtain a Commercial Cannabis business permit to operate that business legally. They have applied for a Zoning Verification letter, but as the business is located within the cannabis bubble of sensitive areas, a permit cannot be issued. 401 W. Barnard is located within 400ft of Todd Park and 236 ft. of First Southern Baptist Church located on N. Palm Dr. The Cannabis "Bubble Map" outlining a 600 ft radius around areas deemed sensitive by Council was created to minimize the impacts of cannabis businesses on residents. As Prop 64 allowed local governments to regulate these businesses through their zoning codes, the Council also used this Bubble Map to exclude these businesses from operating in the core of the City, pushing them to West and East Blythe for economic development purposes. This request was originally placed on the August 14th Agenda, but was pulled at the applicant's request. The Applicant is now ready to make his appeal to Council. Since the August 14th meeting none of the circumstances surrounding this request have changed and is not supported by staff.

Thomas Lawson, project applicant stated I am asking to be able to build out the foot print of the APN's we control for an indoor cultivation taking into account the security measures as determined by the City. I am ready to proceed immediately with the first phase of the cannabis licensing upon permission granted by you in regards to this matter. I have the funding for build out of the existing structure and security fencing.

Public comment. Jill Weiss of 256 E. Chaparral Dr. stated when Measure D was on the ballot voters were told cannabis facilities would not be allowed within 5 blocks of schools, churches and parks; but First Southern Baptist Church is within 1 block of this building. If you stand on our back lawn where we often have children you can see the

site. The splash pad, baseball fields and Todd Park are within two blocks and Margaret White Elementary School isn't much farther from that. In addition to regular church services we also host the Desert Compadres 4-H group. They hold their regular membership meetings at our church twice a month. We have many children on the back lawn during vacation bible school. As a church we are respectfully asking the Council to follow the guidelines already in place and not allow a waiver on this cannabis facility due to its proximity to these sensitive areas.

Michelle VanDyke speaking on behalf of the Desert Compadres 4-H leaders stated our general meetings are held at First Southern Baptist Church. In addition to general meetings we also hold project meetings there. We have youth ages eight to eighteen and sometimes younger than that. Per the California code of regulations, Title 16 division 42 of the Bureau of Cannabis Control in section 5026 it states under premise location for cannabis that they have to be 600 feet from a quote "youth center". Nowhere does it give a definition of what the State refers to as youth center. I think a 4-H group would fall into that means. City Ordinance 883-17 also says 600 ft from any church. I would like to remind Council of the Ordinance that you passed and if exceptions are given you will most likely have other residents of Blythe asking for the same consideration. This is not the first time this has come before you.

Abigail Leonard, president of Desert Compares 4-H Club stated I understand the City is looking to allow a cannabis dispensary by the Southern Baptist Church. As mentioned before this is where our club meets. We have many members from age 8 to 18 and sometimes younger. Sometimes a place like this can bring people that are unpleasant and a bad influence for children. It can also bring the influence of cannabis to children and the people that meet at the church and attend our club meetings. I ask that you do not allow this dispensary to be located around our meeting place and please consider choosing a different location. We have fun and games outside this building which would add further exposure to the children. Thank you for your consideration.

Thomas Lawson stated he wanted to make it crystal clear that I do not want to build a dispensary at that corner. I don't want kids or religious folks to have to stare or deal with an issue like this. This is going to be a secure facility with a 10 foot wall. It will have nothing written on it. Nobody will come and go; there will be no retail customers or vendors of any kind. The only people who will enter or exit ever will be employees and City designees. If I didn't tell you what was happening in the building you would never know as there is no odor, noise or nefarious characters.

Councilman DeConinck made a motion to not allow this to happen. The motion was seconded by Vice Mayor Egan with a unanimous aye vote.

ORAL REPORTS:

Mayor Reynolds reported on the local Veteran's Celebration. They recognized several local Veterans and looking to honor more. They encourage anyone not receiving their benefits to contact them.

PUBLIC COMMENT:

Eli Owens of 3450 Hobsonway asked Council to approve their request to not do any unnecessary off-site improvements at their project site. Council directed staff to work with project applicants.

ADJOURN: The City Council meeting was adjourned at 6:24pm.

Dale Reynolds, Mayor

ATTEST:

Mallory Crecelius, City Clerk