

**Minutes of the Blythe City Council Meeting  
January 10, 2023**

The January 10, 2023 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 Rodriguez and Council Members Reynolds, Halby and Burton. Staff in attendance included: Interim City Manager and City Clerk Crecelius, City Attorney Roberto, City Treasurer and Finance Director Christa Elms, Chief Building Official Brown, Fire Chief Hasler and Police Chief Dale.

The Pledge of Allegiance was led by Mayor DeConinck.

The Invocation was offered by Councilman Burton.

Mayor DeConinck asked for a moment of silence for Doris Morgan, a community advocate who passed away last month. She served on the Council for many years, was Mayor and did a lot for our community, senior citizens and our youth.

**REPORT FROM CLOSED SESSION:**

City Attorney Roberto stated there is no reportable action.

**PRESENTATION:**

**Recognizing the Palo Verde High School Varsity Girls Golf and Football Teams.**  
Mayor DeConinck stated we are blessed to have you here. You have been tremendous these past few years. Thank you for everything you have done. Coach Wally Grant introduced the Football team and presented Council with a signed game ball. Coach Peterson introduced the Girls Golf Team who won their third straight IVL Championship this year. The IVL coaches pick an individual champion. We were lucky enough last year to have Hadly Phipps win, who was only the third person in Jacket History to win a personal IVL Championship. This year, Charlie Dagnino came out of nowhere and won it. This year they made a trophy for it, the IVL Cup, which will stay at our school until next year. Charlie was also recognized by the Southeastern Conference as the outstanding scholar athlete for Golf.

Richard “Blade” Phipps acknowledged Athletic Director Genny Hann who represents all the sports and High School Principal Rachel Angel.

**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.*

**2. 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, January 6, 2023.

**3. Approval of the Warrant Register.**

Recommendation: Approve **1/10/2023**, warrants numbered 10093 through 10110 and 76112 through 76165 in the amount of \$461,074.50; **1/10/2023**, Utility Billing Refund warrants numbered 76166 through 76169 in the amount of \$260.77 and **1/10/2023**, warrants numbered 10111 through 10114 and 76170 through 76209 in the amount of \$181,010.87.

4. **Approval of the Payroll Register.**  
Recommendation: Approve **1/10/2023**, warrants numbered 53383 through 53402 and Direct Deposit warrants numbered 54749 through 54808 in the amount of \$261,550.76; **1/10/2023**, warrants numbered 53403 through 53419 and Direct Deposit warrants numbered 54809 through 54866 in the amount of \$224,233.43; **1/10/2023**, warrants numbered 53420 through 53422 in the amount of \$19,682.81 and **1/10/2023**, warrants numbered 53423 through 53429 and Direct Deposit warrants numbered 54868 through 54967 in the amount of \$69,702.86.
5. **Minutes of the December 13, 2022 City Council Meeting.**  
Recommendation: Approve the Minutes of the December 13, 2022 Meeting.
6. **City of Blythe Permits Issued for the Month of December 2022.**  
Recommendation: Receive and file this monthly report.
7. **City of Blythe Fire Department Monthly Activity Report for December 2022.**  
Recommendation: Receive and file the monthly report.
8. **City of Blythe Police Department Monthly Activity Report for December 2022.**  
Recommendation: Receive and file the monthly report.
9. **Quality of Life Program Activity Report for December 2022.**  
Recommendation: Receive and file the monthly report.
10. **Investment Report for Second Quarter FY 2022/23.**  
Recommendation: Accept and file the quarterly Investment Report.

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

#### **PUBLIC HEARING:**

**Class 32 Infill Development Categorical Exemption- KFC Quick Service Restaurant.** Interim City Manager Crecelius reported GLMV Architecture, representing Yum! Brands who owns the KFC brand name is proposing to develop a new KFC Quick Service Restaurant with drive thru on a vacant site located at the southeast corner of Lovekin Boulevard and Hobsonway. The site plan includes a two-story building with 2,050 SF gross floor area. The interior includes approximately 1,115 SF of dining area, 935SF of kitchen and food preparation, 458 SF of restroom and 586 SF of storage and accessory use. A single drive thru lane with a pickup window is proposed facing Hobsonway. The site plan also includes a new pylon mounted sign, parking, landscaping, and lighting. The current zoning and General Plan designation is General Commercial which permits the use of eating and drinking establishments. Surrounding land uses include a Del Taco restaurant to the south, Coin Laundry to the east, Starbuck and the Hobsonway mixed commercial center to the north and hotels to the west and northwest. As the Lead Agency under the California Environmental Quality Act, the City has undertaken preliminary review and determined that the proposed development qualifies for a Class 32 Infill Development Categorical Exemption from the provisions of CEQA pursuant to CEQA Guidelines Section 15332. Therefore, subsequent to the public hearing, it is recommended Council direct staff to file a Notice of Exemption for a Class 32 infill development categorical exemption pursuant to CEQA Guidelines Section 15332 for the KFC Quick Service Restaurant Project located at 738 W. Hobsonway in Blythe with the County Clerk.

No Public Comment. Vice Mayor Rodriguez moved approval of staff's recommendation. The motion was seconded by Councilman Burton with a unanimous aye vote.

**Class 32 Infill Development Categorical Exemption- Palo Verde Hospital Modular Health Clinic Project.** Interim City Manager Crecelius reported Palo Verde Hospital is proposing development of a Modular Health Clinic on two parcels totaling 0.60 acres. The site plan includes a single story 2,160 SF modular clinic with lobby, administrative office, lab and five exam rooms. The project also includes parking and landscaping. The current zoning and General Plan designation is Public/Quasi Public which permits the use of health care facilities. Surrounding land uses include a church to the north, residential uses to the east and Palo Verde Hospital to the south and west. As the Lead Agency under the California Environmental Quality Act, the City has undertaken preliminary review and determined that the proposed development qualifies for a Class 32 Infill Development Categorical Exemption from the provisions of CEQA pursuant to CEQA Guidelines Section 15332. Therefore, subsequent to the public hearing, it is recommended Council direct staff to file a Notice of Exemption for a Class 32 infill development categorical exemption pursuant to CEQA Guidelines Section 15332 for the Palo Verde Hospital Modular Health Clinic Project located at 248 E. Barnard Street in Blythe with the County Clerk.

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

#### **CONTINUED BUSINESS:**

**Emergency Repair at the Waste Water Treatment Plant.** Interim City Manager Crecelius stated it is recommended Council review the emergency action for the repairs to the collapsed pipe at the Waste Water Treatment Plant. It is further recommended Council, by a 4/5 vote, determine there is a need to continue the emergency repairs. Since the last meeting, Rove Engineering has inserted two of three new valves and installed new C900 pipe and elbows. Staff anticipates the emergency repairs will be close to completion by the next Council meeting. Pictures of the repair efforts were provided to Council and made available to the public.

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

#### **NEW BUSINESS:**

**Committee Appointments.** Interim City Manager Crecelius stated it is recommended the Mayor appoint members of Council to serve on the various boards and committees.

No public comment. No changes were made to the established committee appointments.

**February's City Council Meeting Schedule.** Interim City Manager Crecelius stated due to a noticed Public Hearing scheduled for February 28<sup>th</sup>, staff recommends Council hold the February meeting on the fourth Tuesday of the month and go dark on the second Tuesday. The normal City Council meeting schedule will resume in March.

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

**Ordinance No. 920-22 Amending Chapter 5.10 (Commercial Cannabis Activity) of the Blythe Municipal Code.** Interim City Manager Crecelius stated in 2017, the City adopted an Ordinance establishing regulations for commercial cannabis activity. The City also adopted by

Resolution, regulations for permitting such businesses. Several amendments have been adopted to the Commercial Cannabis Ordinance since its adoption. The last amendment was made in 2020, specifically relating to the location of certain cannabis businesses near adult day care centers. Several amendments have been made at the request of operators or applicants. The last amendment made for consistence with State law occurred in late 2017. After a recent review of the Commercial Cannabis Ordinance, it was determined the City's Ordinance was no longer consistent with current State regulations. The City's Ordinance uses the term Dispensary for retail sales of cannabis. However, the State Department of Cannabis Control defines this use as storefront retail. For consistency with State rules and regulations, the proposed ordinance changes any reference from dispensary to storefront retailer. The City's current ordinance is unclear on whether the delivery of cannabis products from a licensed storefront retail (dispensary) is permitted. The DCC allows for the delivery of commercial cannabis products from storefront retailers with the issuance of a Type 10 license classification. Currently, Have A Heart dba High Times has a Type 10 license classification from the State of California and offers delivery service for their customers. For consistency with State regulations, the proposed ordinance amendment will allow storefront retailers licensed in the City of Blythe with a Type 10 license to deliver commercial cannabis products within the City. Pursuant to the current Ordinance, delivery from non-storefront retailers is not allowed. Council and staff have discussed the process for transferring permits to new owners after the permit is issued and the business is established and operating. It has been staff's understanding that any "transfers" would include the new owner going through the owner background investigation and receiving approval from the City Council. However, the current Ordinance does not specifically address permit transfers. The proposed ordinance makes it clear that it is unlawful for permits to be sold, transferred or assigned by the permittee. The proposed ordinance provides that in the event a permittee desires to sell or transfer the commercial cannabis business to a new owner and/or operate the business under a new entity and/or name not listed on the permit, the new owner must obtain a new permit prior to commencing or continuing operations. The proposed ordinance outlines the criteria for determining individual and corporate ownership interests in commercial cannabis businesses to prohibit permittees from transferring ownership without first complying with City procedures. The proposed ordinance also clarifies the procedures for changing the approved location for a commercial cannabis business. Procedures for changes in ownership and location will be established by Resolution of the City Council. After the Agenda was posted, the City Attorney recommended some changes to Section 5.10.180, which is permits non-assignable/non-transferable which further clarified changes in ownership to add ownership interest of 20% or more which is consistent with State law. Those changes will be made and published for the adoption of the Ordinance.

No public comment. Vice Mayor Rodriguez moved to introduce Ordinance No. 920-22. The motion was seconded by Councilman Burton with a unanimous aye vote.

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, AMENDING CHAPTER 5.10 (COMMERCIAL CANNABIS ACTIVITY) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE BLYTHE MUNICIPAL CODE RELATING TO COMMERCIAL CANNABIS ACTIVITY IN THE CITY.*

#### **ORAL REPORTS:**

Interim City Manager Crecelius stated staff at the Recreation Center would like to add Saturday service. We are going to do it as a trial run for at least the month of February. Prior to 2012, the

Recreation Center was open Monday through Saturday. Due to budget cuts and lack of use, the Saturday service was discontinued. There has been interest in having the Center open on Saturday, so we are going to roll it out for a trial period. Before it become permanent, we will bring it back to Council for direction.

Mayor DeConinck reported on CWA's Statewide Convention which was held in Blythe this past weekend.

**PUBLIC COMMENT:** None

**ADJOURN:** The City Council meeting was adjourned at 6:39pm.

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Joseph DeConinck, Mayor

**ATTEST:**

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Mallory Crecelius, City Clerk