

**Minutes of the Blythe City Council Meeting
February 28, 2023**

The February 28, 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, Fire Chief Hasler and Police Chief Dale.

The Pledge of Allegiance was led by Mayor DeConinck.

The Invocation was offered by Councilman Burton.

REPORT FROM CLOSED SESSION:

City Attorney Roberto stated there is no reportable action.

PRESENTATION:

Audited Financial Statements for FY 2021/22. Interim City Manager Crecelius stated City Management and the Finance Committee comprised of Council members Reynolds and Halby met with the audit team earlier today for an in-depth review of the FY 2021/22 audited financials. Subsequent to a presentation by Rich Teaman of Teaman, Ramirez and Smith, it is recommended Council receive and file the City's audited financial statements and related documents for FY 2021-2022.

Rich Teaman of Teaman, Ramirez and Smith provided an overview of the audited financial statements. The process went well, and we are please with the results. Our goal is to issue an opinion on the Financial Statements. I am happy to say we are issuing an unmodified report which is the best you can get. There is a footnote related to the going concern which has been there for some time. We did note there was significant progress made in the General Fund and to the overall position of the City this year. Even though there was a significant change, there are a number of funds that are in need of assistance. As that happens, we can get to a point to remove the going concern. We are a little way off. There was significant progress in the General Fund. The Utility funds are the funds experiencing trouble. I know you are taking steps to address those as you have done the General Fund. We issue a few other reports, the Public Financing Authority Financial Statements which also received an unmodified opinion. We also issue an internal control and financial compliance report. A report called the Agreed Upon Procedures regarding the GANN limit which is required per the state Constitution was provided. The final document that accompanies the financial statements is the governance letter. This is addressed to the City Council and discusses the conduct of the engagement. I am happy to report there were no problems conducting the audit.

The item was received and filed.

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, February 24, 2023.

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

Recommendation: Approve **2/28/2023**, warrants numbered 10115 through 10140 and 76210 through 76281 in the amount of \$523,207.25; **2/28/2023**, Utility Billing Refund warrants numbered 76282 through 76289 in the amount of \$1,712.15; **2/28/2023**, warrants numbered 10141 through 10146 and 76290 through 76351 in the amount of \$608,461.44; **2/28/2023**, Utility Billing Refund warrants numbered 76352 through 76367 in the amount of \$1,384.01 and **2/28/2023**, warrants numbered 10147 through 10163 and 76368 through 76416 in the amount of \$235,338.79.

4. **Approval of the Payroll Register.**

Recommendation: Approve **2/28/2023**, warrants numbered 53430 through 53448 and Direct Deposit warrants numbered 54968 through 55027 in the amount of \$252,430.64; **2/28/23**, warrants numbered 53449 through 53450 in the amount of \$608.51. **2/28/2023**, warrants numbered 53451 through 53469 and Direct Deposit warrants numbered 55028 through 55087 in the amount of \$247,851.92; **2/28/2023**, warrants numbered 53470 through 53474 and Direct Deposit warrants numbered 55088 through 55187 in the amount of \$73,978.72 and **2/28/2023**, warrants numbered 53475 through 53493 and Direct Deposit warrants numbered 55188 through 55247 in the amount of \$263,822.70.

5. **Minutes of the January 10, 2023 City Council Meeting.**

Recommendation: Approve the Minutes of the January 10, 2023 Meeting.

6. **Minutes of the January 24, 2023 Special City Council Meeting.**

Recommendation: Approve the Minutes of the January 24, 2023 Special Meeting.

7. **City of Blythe Permits Issued for the Month of January 2023.**

Recommendation: Receive and file this monthly report.

8. **City of Blythe Fire Department Monthly Activity Report for January 2023.**

Recommendation: Receive and file the monthly report.

9. **City of Blythe Police Department Monthly Activity Report for January 2023.**

Recommendation: Receive and file the monthly report.

10. **Quality of Life Program Activity Report for January 2023.**

Recommendation: Receive and file the monthly report.

11. **Donation of Mobile Command Vehicle.**

Recommendation: Accept the donation of a 2009 Mobile Command Post from The Riverside County Sheriff's Department and authorize the Interim City Manager to execute Agreement No. 2023-010 A.

12. **Officer Wellness and Mental Health Grant Award.**

Recommendation: Accept \$20,000 in funds provided by the California Board of State and Community Corrections for officer wellness and mental health, authorize the Interim City Manager to execute any and all grant related documents and authorize staff to use the funds as allowed.

13. **Acceptance of Donation- Ball Field Improvements at Todd Park.**

Recommendation: Accept the donation of materials and labor for improvements made at the Baseball Complex in Todd Park.

14. **Destruction of Certain Records and Documents.**

Recommendation: Adopt Resolution No. 2023-003 authorizing the destruction of certain records and documents pursuant to Government Code Section 34090.

RESOLUTION NO. 2023-003. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS AND DOCUMENTS AS AUTHORIZED BY THE CALIFORNIA GOVERNMENT CODE.

15. **Ordinance No. 920-22 Amending Chapter 5.10 (Commercial Cannabis Activity) of the**

Blythe Municipal Code.

Recommendation: Adopt Ordinance No. 920-22:

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.

No public comment.

Councilman Halby asked to pull item No. 11 for further discussion.

Councilman Halby moved approval of Consent Calendar items 1-10 and 12-15. The motion was seconded by Councilman Reynolds with a unanimous aye vote.

Donation of Mobile Command Vehicle. Councilman Halby asked why the vehicle was being stored at the Fairgrounds and not at Public Works. I think it should be stored at Public Works once we have the room and the improvements are made.

Chief Dale stated the idea is to store this out of the direct sun. There is no room at City Yard for this vehicle. The Fairgrounds has agreed to secure it there. We think it's a safer place and will last longer stored there. The Fire Department can service it and run it from there. If we could build a structure at the City Yard in the future, that would be great.

Interim City Manager Crecelius stated we could enter into an MOU between the City and Fair Board for storage of this vehicle.

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

PUBLIC HEARING:

Class 32 Infill Development Categorical Exemption- A&R Bakery. Interim City Manager Crecelius stated applicant Alejandro Mata proposes to develop A&R Bakery at the northeast corner of Hobsonway and Lovekin Boulevard, north of the existing Starbucks, and west of the Hobson Shopping Center. The project site includes a total of .86 acres. The project site is level with little vegetation. Surrounding land uses include a mix of commercial and residential properties, including hotels, stores, restaurants, homes and apartment complexes. The proposed development includes a total of 5,222 sq ft of building space in two single story buildings built on either side of a parking lot. The current zoning and General Plan designation is General Commercial which permits the use of eating and drinking establishments. 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. 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 A&R Bakery and Deli Restaurant Project located at Northeast corner of Hobsonway and Lovekin Boulevard in Blythe with the County Clerk.

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

Water and Sewer Rate Study. Interim City Manager Crecelius stated on May 10, 2022 the City Council approved an agreement with Willdan Financial Services to conduct a comprehensive Water and Sewer Utility Rate Study. On November 16, 2022 the Council met in a Study Session to discuss the results of the Water and Sewer Rate Study. At the December 13, 2022 meeting. Willdan presented the findings of the Utility Rate Study and the proposed Rates. At that meeting, Council set February 28, 2023 at 6pm as the time and date to hear any protests related to the proposed Rates per requirements of Prop 218. Chris Fisher with Willdan is here once again to give a brief overview of the proposed water and sewer rates. Subsequent to his presentation, it is recommended Council conduct a public hearing to receive all written and verbal testimony regarding the proposed water, sewer and wastewater rates and consider the results of protest proceedings in accordance with Proposition 2018. Subsequent to the Public Hearing, if no majority protest exists, it is recommended Council adopt Resolution No. 2023-001, adopting the revised water rates and Resolution No. 2023-002 adopting the revised sewer and wastewater rates.

Chris Fisher with Willdan presented an overview of the results of the Rate Study which is the same information that was presented in December. The goals of the rate Study are to recover all costs of operating the water and wastewater utilities, if rates result from this Study, they need to be based on the cost of providing service in compliance with Prop 218 as well as equitable and administratively efficient to administer and to understand by residents. The rates are based on a 5-year financial plan. Key factors driving the financial plan are cost of operating, such as chemicals, supplies for treatment and personnel. Those costs are increasing. Along with that there are several capital improvement projects totaling \$9 million planned over the next 5 years. The next steps include the Council conducting a Public Hearing. Following the conclusion of the Public Hearing, any written protests will be tabulated. Assuming written protests are not submitted by a majority of the users, Council will have the discretion to adopt the rates. If there are written protests received by more than a majority of users, no further action will be taken. If the rates are adopted, they will be effective as of March 1st.

Mayor DeConinck stated we held a Study Session on this, and the public was invited to attend.

Mayor DeConinck opened the Public Hearing.

Dennis McKowski submitted a written protest. He asked if after 5 years rates would stay the same or would they go down?

Chris Fisher stated the rates are effective for 5 years. Without further action of the Council, rates would stay what they are or Council could take action to conduct a new rate study to update the information.

Pam Johnston was curious to know if the water increase included better drinking water, because our water does not meet standard drinking water standards.

Interim City Manager Crecelius stated the City's water does meet State requirements and we do regularly test our water. However, we have old infrastructure, so this rate study does propose to replace service lines. That will improve water quality as our pipes are old, they are filled with sediments which can be stirred up and cause dirty water. We are replacing reservoirs, so depending on where you live, the replacement of the reservoirs will help with consistency and ability to supply water. The rates are based on a number of improvements we hope to make to better our system because it is aging and in need of repair.

Sydney Pressley asked if the rates were based on water consumption. How do you determine each category? Can you explain to me why my rate is what it is for my business. What is my rate based on?

Chris Fisher stated customer classifications are based on state standards.

Interim City Manager Crecelius stated wastewater charges are a flat charge. It is not based on water consumption. During the Study Session we went in depth into customer classifications, and how Willdan did not make any changes to our customer classifications. Previously we have tried to address it, and in the future, we hope to. She is classified as a mortuary, so all we did was change the rates based on her already adopted classification that was already in place based on State assumptions for those business types, not directly related to how much business you do each month as it's a flat charge. Your water will go up and down based on usage.

Sydney Pressley said she did her homework and in other areas, mortuary doesn't have their own category, they are grouped in with other business types. The Coachella Valley Water District has a \$10 wastewater charge for mortuaries, mine is \$265 every month, just for my wastewater so I am having a hard time understanding how you justify a \$265 charge. I have averaged 66 embalming's per year. The average embalming uses less than 10 gallons of fluids. Yet, I pay \$265 per month for wastewater.

Interim City Manager Crecelius stated unfortunately customer classifications or types were not addressed. The study looked at our expenditures and revenues and developed a plan to roll out equitable rates along those customer classes. Until we adjust the customer classification, and reclassify mortuary, that would be the only thing to fix the situation

Finance Director Elms stated there is still an analysis that goes into the rates that are being charged.

Interim City Manager Crecelius said this was discussed in the Study Session, in November so I don't remember all of the specifics, but I know it's something we would like to do, but it would involve another comprehensive rate study, separate from this. To decrease her rates, in all reality someone else's rates will increase because we will need the same amount of revenue to operate. When we change the customer classifications, we will need to look at all users, what they are using, the volume and then determine equitable rates aligning with the customer classes. So someone might go up and someone might go down.

Chris Fisher said as technological improvements are made, we will have the ability to collect local data that isn't available right now to define these rates more specifically for Blythe Customers.

Interim City Manager Crecelius stated what he is referring to is that instead of a flat charge for wastewater it would be based on flow. Then you would only be paying for the 660 gallons of water you are using, vs. the flat charge per month. To do that, we need more data to determine how to set those rates. Based off water sold, vs. water entering the Wastewater Treatment Plant, we don't have the flow data to justify rates. At some point we would like to do that so it's more equitable. Then, the more you use, the more you pay and vice versa.

Finance Director Elms stated we would have to restructure our entire rate structure.

Vice Mayor Rodriguez stated he questioned it himself in terms of his convenience store. You can get pretty narrow on classifications, but I did specifically address mortuaries in the study session. I assumed there was an equity component, but I didn't know how it was derived. You are looking at Arizona, but it's a State of California system. He takes the Statewide standards and that's how it's applied. We did talk about it, and the only thing I can think is the equity component. I questioned why a little office, like a real estate office who doesn't use a lot of water, was charged a certain amount vs. a convenience store that uses more water.

Aileen Morris of N. 5th Street asked if there is grant writing that could pay for some of this stuff.

Mayor Deconinck closed the Public Hearing.

City Clerk Crecelius stated a few written protests were received. The written protests have been tallied and we do not have a majority protest. Should Council desire, you can adopt the Resolutions which would adopt the proposed rates to take effect as of March 1st.

Councilman Reynolds moved approval of Resolution No. 2023-001. The motion was seconded by Councilman Burton with a unanimous aye vote.

RESOLUTION NO. 2023-001 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADOPTING REVISED WATER RATES.

Councilman Reynolds moved approval of Resolution No. 2023-002. The motion was seconded by Councilman Burton with a unanimous aye vote.

RESOLUTION NO. 2023-002 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADOPTING REVISED SEWER AND WASTEWATER RATES.

CONTINUED BUSINESS:

Emergency Repair at the Wastewater Treatment Plant. Interim City Manager Crecelius stated as Council is aware, during the week of November 14, 2022, a 20" sewer pipe bringing sewage into the aeration basin at the Wastewater Treatment Plant collapsed. Due to several factors, the Interim City Manager determined the collapsed pipe constituted an emergency, as defined by Public Contract Code Section 1102. The City Council deemed the need to continue the emergency at the November 28th, December 13th and January 10th meetings.

The repairs at the WWTP are now complete and it is recommended Council terminate the emergency action directed on November 22, 2022 for the collapsed sewer pipe in accordance with Public Contract Code section 22050(c)(3). It is further recommended Council authorize the City Manager to accept the work and release retention payments and project bonds once appropriate.

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

NEW BUSINESS:

Request to Waive Temporary Use Permit Fees- Peace from Chaos. Councilman Halby recused himself due to a potential conflict of interest. Interim City Manager Crecelius stated Peace from Chaos will hold their 2nd annual March & Rally on March 25th to bring awareness and resources to those navigating through or affected by Mental Health, Addiction, Suicide and Acceptance Issues. The Rally will be held in the backlot of Halby's located at 135 N. Commercial. The event is open to the public and will feature live entertainment, resources and local vendors. A Temporary Use Permit is required for the event. Peace from Chaos has asked Council to waive the TUP fee of \$222 for their community-based event. They would also like the City to be a Co-sponsor of event.

George Colangeli thanked Council for considering this item. We are building on the healing that we need to do for this community. We will have resources here that day, along with entertainment and food.

Angela Colangeli stated Peace from Chaos was started after our son committed suicide. Although we have to get past it, we don't forget it. Our ultimate goal is to make it better for Blythe. That is with the Police Department, the City Council and our Community members. We do a lot behind the scenes helping the community. We are not therapists; we are just people that are listening. Our events are fun, and we want the community to use the resources because we have to fight to get them to come. There are agencies that are funded to serve Blythe, and nobody has ever fought for them, and that is what we are doing. We want better mental health care in Blythe. We now have a crisis team, and not because they wanted to give it to us, it was because I said we were going to have one and wouldn't take no for an answer. We want to get rid of the stigma, and that is why we are talking about it every day. Its ok not to be ok. You can change, and there are people that care about you, and you do matter.

Councilman Reynolds offered to pay the fee so it did not need to be waived. Councilman Reynolds moved approval of co-sponsoring the event. The motion was seconded by Councilman Burton with a unanimous aye vote.

ORAL REPORTS:

Interim City Manager Crecelius reported on the Outlook Conference, Community Cleanup Day and two nuisance properties the City is working to abate.

Police Chief Dale reported on the Quality-of-Life Program which has been in place for 1 year as of February 28, 2023. He also reported on a new addition of equipment for less than lethal use of

force. Officers will no longer carry lethal shotguns in their patrol cars. They have been converted to less than lethal shotguns.

Councilman Reynolds reported on the upcoming fair, the Blythe All Star Soccer Team received third place in their tournament, and on CWA's Farmers Ball.

Vice Mayor Rodriguez commended the Chief on the donation of the Mobile Command Center. These things cost hundreds of thousands of dollars. Thanks for snatching that up.

Mayor DeConinck reported on the Girls Basketball Team and the Yellow Jacket Booster Bash.

PUBLIC COMMENT:

Sabrina Pineda of Bruce Ct. asked to change the name of Engevik Park to West Side Park.

Rachel Gutierrez of 1302 San Gorgonio Street gave a history of the neighborhood and Park. We think the name of the park should be West Side Park. Engevik didn't fix that park for us, we had to fight for it.

Ailene Morris stated 7th street park has been the same since the 1960's. It used to have playground equipment. All that is left is a swing set. The City should do something to help the community in that area of town.

Chris Peters of 371 N. Tesoro stated I am the liaison for the Little League Board of Directors. The conditions of the restrooms in the City Parks are atrocious. I understand you can't do much in the day, but can they be locked at night?

ADJOURN: The City Council meeting was adjourned at 7:48pm.

Joseph DeConinck, Mayor

ATTEST:

Mallory Crecelius, City Clerk