

**Minutes of the Blythe City Council Meeting  
May 10, 2022**

The May 10, 2022 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 DeConinck and Council Members Rodriguez, Halby and Burton. Staff in attendance included: Interim City Manager and City Clerk Crecelius, Finance Director and City Treasurer Elms, City Attorney Roberto, Chief Building Official Brown, Fire Chief Hasler and Police Chief Dale.

The Pledge of Allegiance was led by Mayor Reynolds.

The Invocation was offered by Councilman Burton.

**REPORT FROM CLOSED SESSION:**

City Attorney Roberto stated as to items 1-3, no reportable action was taken.

**PRESENTATION:**

**Recognizing the Joe Wine Blythe Recreation Center Youth All-Star Teams.** Coach Jonathan Crowe introduced the championship team. Council congratulated them on their achievements.

Mayor Reynolds stated winning 1<sup>st</sup> and 3<sup>rd</sup> places in the playoffs is excellent. We appreciate your time and efforts.

**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.*

Councilman Halby moved approval of the Consent Calendar. The motion was seconded by Councilman Burton with a unanimous aye vote.

**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, May 6, 2022.

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

Recommendation: Approve **5/10/2022**, warrants numbered 74954 through 75039 in the amount of \$626,612.78; **5/10/2022**, Utility Billing Refund warrants numbered 75040 through 75048 in the amount of \$1,134.88 and **5/10/2022**, warrants numbered 75049 through 75081 in the amount of \$154,064.91.

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

Recommendation: Approve **5/10/2022**, warrants numbered 52840 through 52859 and Direct Deposit warrants numbered 52854 through 52914 in the amount of \$264,794.24; **5/10/2022**, warrants numbered 52860 through 52878 and Direct Deposit warrants numbered 52915 through 52973 in the amount of \$248,990.26 and **5/10/2022**, warrants numbered 52879 through 52884 and Direct Deposit warrants numbered 52974 through 53080 in the amount of \$71,562.00.

**5. Minutes of the April 12, 2022 City Council Meeting.**

Recommendation: Approve the Minutes of the April 12, 2022 Meeting.

**6. City of Blythe Permits issued for the Month of April 2022.**

Recommendation: Receive and file this monthly report.

7. **City of Blythe Fire Department Monthly Activity Report for April 2022.**  
Recommendation: Receive and file the monthly report.
8. **City of Blythe Police Department Monthly Activity Report for April 2022.**  
Recommendation: Receive and file the monthly report.
9. **Obsolete Police Equipment Donation.**  
Recommendation: Deem the list of badges and patches surplus property and authorize staff to donate them to the Palo Verde Historical Museum for display.
10. **Surplus Equipment Trade In.**  
Recommendation: Deem the list of police equipment as surplus property and authorize staff to trade in the equipment to Arms Unlimited for store credit at current market value.
11. **Clean California Local Grant Program Award.**  
Recommendation: Authorize the Interim City Manager to execute any and all agreements and documents related to the acceptance and administration of the Clean California Local Grant Program through the State of California Department of Transportation.
12. **Annual Consumer Price Index and Landfill Rate Adjustment.**  
Recommendation: Adopt the annual rate adjustment submitted by CR&R pursuant to Section 22.7.1 of the Solid Waste and Recycling Services Agreement.
13. **Measure A Capital Improvement Plan for Fiscal Years 2022-2027.**  
Recommendation: Adopt the Measure A Local Streets and Roads Five Year Capital Improvement Plan for 2022-2027, approve for submission the Project Status Report for FY 2021/22, authorize the City Manager to execute the Maintenance of Effort Certification Statement and authorize the Finance Director to make minor amendments to the report as necessary.
14. **FY 2022/23 Road Maintenance and Rehabilitation Account Funded Project List.**  
Recommendation: Adopt Resolution No. 2022-010, adopting the Road Maintenance and Rehabilitation Account funded projects list for FY 2022/23.

*RESOLUTION NO. 2022-010. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2022-2023 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017.*

15. **Annual Assessment for Lighting Districts Nos. 1 and 2 for FY 2022/23.**

Recommendation: Adopt Resolution 2022-006, 2022-007, 2022-008 and 2022-009.

*RESOLUTION NO. 2022-006. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ORDERING THE PREPARATION AND FILING OF A REPORT REGARDING THE FISCAL YEAR 2022-2023 ASSESSMENT TO BE LEVIED WITHIN THE CITY OF BLYTHE LIGHTING DISTRICT NO. 1.*

*RESOLUTION NO. 2022-007. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR CITY OF BLYTHE LIGHTING DISTRICT NO. 1, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN SAID DISTRICT FOR FISCAL YEAR 2022-2023 AND SETTING A PUBLIC HEARING REGARDING SUCH ASSESSMENTS.*

*RESOLUTION NO. 2022-008. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ORDERING THE PREPARATION AND FILING OF A REPORT REGARDING THE FISCAL YEAR 2022-2023 ASSESSMENT TO BE LEVIED WITHIN THE CITY OF BLYTHE LIGHTING DISTRICT NO. 2.*

*RESOLUTION NO. 2022-009. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR CITY OF BLYTHE LIGHTING DISTRICT NO.2, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN SAID DISTRICT FOR FISCAL YEAR 2022-2023 AND SETTING A PUBLIC HEARING REGARDING SUCH ASSESSMENTS.*

16. **Ordinance No. 914-22, Repealing and Replacing Chapter 3.08 of the BMC relating to Claims Administration Procedures and Settlement Authority.**

Recommendation: Adopt Ordinance No. 914-22.

*ORDINANCE NO. 914-22. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA,*

*REPEALING AND REPLACING CHAPTER 3.08 (CLAIMS AND DEMANDS) OF TITLE 3 (REVENUE AND FINANCE) OF THE BLYTHE MUNICIPAL CODE RELATING TO CLAIMS ADMINISTRATION PROCEDURES AND SETTLEMENT AUTHORITY.*

**17. Ordinance No. 915-22, Adopting a Military Equipment Use Policy Required by AB 481.**

Recommendation: Adopt Ordinance No. 915-22.

*ORDINANCE NO. 915-22. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADOPTING A MILITARY EQUIPMENT USE POLICY GOVERNING THE USE OF MILITARY EQUIPMENT PURSUANT TO ASSEMBLY BILL 481.*

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

**PUBLIC HEARING:**

**Categorical Exemption- T.O.R.O LLC Indoor Cannabis Project.** Interim City Manager Crecelius stated T.O.R.O, LLC, represented by Malissa Attaberry proposes to develop a commercial cannabis cultivation and distribution facility on two parcels totaling 1.5 acres. The site is located at 1426 E. Hobsonway and zoned General Commercial which allows for cannabis development. The proposed site is level with little vegetation. Development consists of one single-story building totaling 15,300 square feet. Surrounding land uses include the River Speed and Sport to the east, All Pro Pumping to the west, ABC Grooming to the southeast, Interstate 10 to the south and various commercial and industrial uses up and down Hobsonway. Based upon information contained in the administrative record and review of CEQA Guidelines, the City has determined that the project is eligible for a Class 32 Categorical Exemption. The project fits within the parameters included in CEQA Guidelines 15332 as an Urban Infill Exemption as it meets each of the five criteria set forth in section 15332 In-Fill Development Projects of the CEQA Guidelines. Therefore, Subsequent to the Public Hearing, it is recommended Council adopt a Notice of Exemption- In-fill Development for the T.O.R.O, LLC Indoor Cannabis Project and direct staff to file the Notice of Exemption with the County Clerk.

No public comment. Councilman Rodriguez moved to adopt the Notice of Exemption. The motion was seconded by Councilman Burton with a unanimous aye vote.

**CONTINUED BUSINESS:**

**Quality of Life Pilot Program Activity Report.** Police Chief Dale provided an oral report on the progress made by the Quality-of-Life team during the month of April. Chief Dale stated the program continues to be successful, but the problems we are running into now are the people who do not want to leave or take advantage of our services made available through mental health. We have handled the easy cases and are moving into the cases that will take more time and finding more resources for them.

Mayor Reynolds stated there is an accumulation of shopping carts around town. Its worse than before. Chief Dale disused some options for collection.

No. Public Comment. The item was received and field.

**Emergency Sewer Repairs at Hobsonway and Lovekin Blvd.** Interim City Manager Crecelius stated the sewer repairs at Hobsonway and Lovekin have been deemed an emergency

since February 23<sup>rd</sup>. The City Council is required to review the emergency action at every regularly scheduled meeting until the action is terminated. Radco Inc. mobilized on May 3<sup>rd</sup> and began work on the collapsed sewer line. As repairs are ongoing, staff recommends by a 4/5 vote, determine there is a need to continue the emergency repairs.

No public comment. Councilman Rodriguez moved to continue the emergency repairs. The motion was seconded by Councilman Burton with a unanimous aye vote.

#### **NEW BUSINESS:**

**Remedies for Addressing Problem Properties with BMC Violations.** City Attorney Roberto gave a general overview of the remedies for addressing properties with Blythe Municipal Code violations. This is a refresher for Council as well as for the public's benefit to understand what goes on, on the City's side when there are problem properties. There are three enforcement mechanisms: administrative citations, public nuisance abatement and pursuing a receivership. Typically, Code Enforcement will issue warning letters in an attempt to work with the property owner to obtain compliance. If that is not successful, Code Enforcement will issue administrative citations. If that does not result in compliance, Code Enforcement may refer the matter to the City prosecutor. If the property is not brought into compliance, the City may proceed with criminal proceedings. The City may also set a public nuisance hearing if letters and citations have not resulted in compliance. If the hearing officer determines a public nuisance exists, the hearing officer will order the removal and abatement of the nuisance within a specified timeframe. If the property owner fails to abate, the City will seek an abatement warrant from the California Superior Court to abate the nuisance. The City Attorney's office would draft an abatement warrant which requires a judge's signature. Whether or not a judge signs the warrant depends on the judge's familiarity with the process and/or whether the judge agrees there is sufficient cause and evidence to abate the nuisance. The City may legally enter the property and abate the nuisance with the selected contractor only after the judge has signed the abatement warrant. The property owner would be responsible for the City's costs, or a lien could be placed on the property.

Councilman Rodriguez asked how many months or years does public nuisance abatement take? City Attorney Roberto stated it should only take a few months, however the City has been actively pursuing some public nuisances within the City and with COVID and the luck of the draw on judges it has taken much longer.

Interim City Manager stated last October the City held a Town Hall on various abatement efforts the City was working on. This was put together to let the public know what we are up against. We can't just go onto private property to clean something up. We literally need a judge's approval to do so. We have been actively pursuing cleanup, starting with 6 properties. The goal was to add a few properties each year, starting with those most visible from the freeway. We've had a terrible experience this first go-around but now believe we have a path forward.

No Public Comment. The item was received and field.

**Authorization of Enforcement Agency Pursuant to AB 1276.** City Manager Crecelius stated on January 1<sup>st</sup> Assembly Bill 1276 went into effect. AB 1276 prohibits food facilities from

providing single use food accessories such as utensils, condiment packets, straws, etc. unless requested by the consumer. AB 1276 also prohibits food facilities from bundling single-use food accessories in a manner that prohibits the consumer from taking only the desired items. AB 1276 requires the City, on or before June 1<sup>st</sup> to authorize an enforcement agency to enforce the single-use food ware requirements. To comply with AB 1276, it is recommended Council authorize the Development Services Department to serve as the City's enforcement agency. Staff will explore other options for enforcement, such as the Riverside County Department of Environmental Health, which already conducts inspections of food facilities. If staff determines another option is available, we will return to Council for additional direction.

No public comment. Councilman Rodriguez moved approval of staff's recommendation. The motion was seconded by Councilman Burton with aye votes from Rodriguez, Halby and Burton and no votes from Reynolds and DeConinck.

**Water and Sewer Rate Study.** Finance Director Elms stated the City owns and operates its own water and sewer systems providing service to approximately 4,000 customers. The cost to provide these services is managed through the City's water and sewer enterprise funds which are fully funded through utility rates and fees. Utility user fees were last adjusted in July of 2019 as part of a rate study conducted in 2015. As a best practice, the City should conduct a comprehensive rate study every five years. Staff released a request for proposal in March, in which five proposals were received. All five proposals were reviewed and ranked by staff based on qualifications, experience, project understanding, technical competency, and cost. Based on staff's review, it was determined Willdan Financial Services best met the requirements of the RFP and had a competitive price. Willdan has worked with the City on numerous projects including the City's last comprehensive user fee study and water and sewer rate studies. If awarded, the project will kick off later this month, with results presented to Council in November 2022. It is recommended Council authorize the Interim City Manager to award and enter into an agreement with Willdan Financial Services in an amount not to exceed \$39,890 for a Water and Sewer Rate Study.

Councilman Halby asked what stood out with Willdan compared to RDN. Finance Director Elms stated in terms of qualifications and experience they were close. Staff felt that the institutional knowledge Willdan had was an advantage over the other company. Willdan performed our last study so they know the ends and outs of the City and thought that would be beneficial in terms of staff time on the project. The top two candidates made a 30-minute presentation to staff as well.

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

**San Luis Way Street Rehabilitation Project.** Interim City Manager Crecelius stated the San Luis Way Street Rehabilitation Project included the grinding of 1.5 inches of existing pavement from Barnard to Wisconsin Street with the construction of new 1.5 inches of asphalt over the exposed pavement. San Luis Way is relatively flat with no crown. Once crews mobilized, the Holt Group, City Inspector and contractor discussed methods to improve the condition of San Luis Way. The Holt Group advised grinding 1.5 inches along the roadway edges, followed by the construction of new AC Pavement at 2.5 inches over the entire street

would provide crown. Staff requested the Contractor provide a change order for the methods discussed. The change resulted in a net project decrease of \$26,250.00. During construction, the City typically contracts with LandMark to provide construction testing services. This service was inadvertently left out of the original staff report for this project. It is recommended Council authorize the Interim City Manager to issue a purchase order to LandMark in an amount not to exceed \$9,000 for project testing services. It is further recommended Council authorize the Interim City Manger to execute Change Order No. 1 resulting in a \$26,250 decrease in project cost.

Rob Holt of The Holt Group stated the cracks are on the surface. We thought it would be best not to grind that much. The street would have been paved today, but we couldn't get enough trucks so we will finish tomorrow.

Vice Mayor DeConinck moved approval of staff's recommendation. The motion was seconded by Councilman Burton with a unanimous aye vote.

**Lovekin/Barnard Street Rehabilitation Project.** Interim City Manager Crecelius stated the Lovekin/Barnard Street Rehabilitation Project was designed using a CalTrans standard Specification for the installation of ADA ramps throughout the project. This specification does not require base to be installed under the ADA ramp as outlined in the City's standard. The soil on Lovekin is adequate for the ramps to be installed as designed. The soil on Barnard however is not. If installed without base, overtime the ramps would shift and loose alignment with the spandrels and cross gutters. It is therefore recommended that 6" of base material be installed under the 19 ADA ramps identified on Barnard in an amount not to exceed \$19,000. During Construction, the City typically contracts with LandMark to provide testing services. This service was inadvertently left out of the original staff report for the project. It is recommended Council authorize staff to issue a purchase order to LandMark in an amount not to exceed \$23,000. Also not included in the project was construction staking and surveying which is the responsibility of the City. The Holt Group provided a proposal for these services totaling \$14,680. It is recommended Council authorize the Interim City Manager to enter into an agreement with The Holt Group in an amount not to exceed \$14,680. It is further recommended Council establish a new project budget to include these changes in the amount of \$1,041,865. I should point out that today there was a change in the staff report, and an amended copy was provided to Council and the public. There was an increase to include The Holt Group's construction staking services.

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

**Participation in the Post-Release Accountability and Compliance Team (PACT).** Police Chief Dale stated in 2011, AB 109 was passed. AB 109 is known as the Public Safety Realignment Act. This resulted in a shift of supervision of most parolees and felons to County probation. Along with this came funding to the County for supervision. Riverside County used the funds to form task forces or Post Release Accountability and Compliance Teams throughout the County, except for Blythe. The Chiefs of Police, County Probation and Sheriff's Department formed these teams to verify compliance with probation, conduct probation



searches, find fugitives and assist local law enforcement agencies with on-going cases. There is an opportunity for Blythe to join the PACT Team with a fully paid officer, overtime and a vehicle assigned to the team in the Coachella Valley. Part of their time would be spent in Blythe. It appears to be a good opportunity to have an essential response to violent crime and put us together with other agencies helping us out. Staff recommends the City Council authorize the Interim City Manger to execute the required Memorandum of Understanding to participate with the PACT team once reviewed and approved by the City Attorney.

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

**ORAL REPORTS:** None

**MEMBER COMMENT:**

Councilman Burton congratulated the young fellas at the Rec Center. We need to keep encouraging our youth for doing positive things. I would like to give a shout out to Blythe PD. They are doing a good job out there.

Mayor Reynolds stated the Chamber of Commerce had a great Cinco De Mayo event.

Councilman DeConinck stated the event the Prime Leaf generated a lot of money for the community. He also reported on the upcoming Elks dinner fundraiser.

**PUBLIC COMMENT:**

Sebastian Guislain of 360 S. Solano stated at the last Council meeting we came forward to discuss the on-site improvements at our project and to look for direction. I come both as a reminder and for direction.

**ADJOURN:** The City Council meeting was adjourned at 6:53pm.

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Dale Reynolds, Mayor

**ATTEST:**

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Mallory Crecelius, City Clerk