

**Minutes of the Blythe City Council Meeting
June 8, 2021**

The June 8, 2021 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 and Halby. Councilman Burton was excused from the meeting. Staff in attendance included: Interim City Manager and City Clerk Crecelius, Finance Director Elms, Building Official Brown, Fire Chief Hasler, Acting Police Chief Walnoha and City Attorney Roberto.

The Pledge of Allegiance was led by Mayor Reynolds. The Invocation was offered by Councilman Rodriguez.

ADDED STARTER:

Interim City Manager Crecelius requested to add an item to the agenda. After posting of the agenda, it came to our attention the Fire Department needed approval for the 4th of July Fireworks Display. As we will not meet again prior to the 4th of July, this is considered an emergency and can be walked onto the agenda with a 4/5 vote. It is recommended you add the item as New Business Item #23.

Councilman Halby moved approval of adding the Fireworks display to the agenda. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

REPORT FROM CLOSED SESSION: City Attorney Roberto stated as to item #1, Council disused the item and provided direction.

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.*

No Public Comment. Councilman Rodriguez moved approval of the Consent Calendar. The motion was seconded by Councilman Burton with a unanimous aye vote.

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, June 4, 2021.

2. Approval of the Warrant Register.

Recommendation: Approve **6/8/2021**, warrants numbered 73340 through 73419 in the amount of \$354,521.52; **6/8/2021**, Utility Billing Refund warrants numbered 73420 through 73429 in the amount of \$730.99 and **6/8/2021**, warrants numbered 73430 through 73474 in the amount of \$200,899.69.

3. Approval of the Payroll Register.

Recommendation: Approve **6/8/2021**, warrants numbered 52255 through 52270 and Direct Deposits numbered 50268 through 50323 in the amount of \$224,736.30; **6/8/2021**, warrants numbered 52271 through 52285 and Direct Deposits numbered 50324 through 50383 in the amount of \$225,823.72 and **6/8/2021**, warrants numbered 52286 through 52290 and Direct Deposits numbered 50384 through 50487 in the amount of \$65,748.05.

4. Minutes of the May 11, 2021 City Council Meeting

Recommendation: Approve the Minutes of the May 11, 2021 Meeting.

5. **City of Blythe Permits issued for the Month of May 2021.**
Recommendation: Receive and file this monthly report.
6. **City of Blythe Fire Department Monthly Activity Report for May 2021.**
Recommendation: Receive and file this monthly report.
7. **City of Blythe Police Department Monthly Activity Report for May 2021.**
Recommendation: Receive and file this monthly report.
8. **Request for the Sale and Display of Fireworks.**
Recommendation: Approve applications submitted by Victoria Sanchez/Blythe First Assembly of God for the sale of fireworks at 840 E. Hobsonway and 678 W. Hobsonway.
9. **MOU between City and Palo Verde Valley Transit Agency.**
Recommendation: Authorize the Mayor to execute an MOU with PVVTA establishing the terms and conditions under which the City and PVVTA share facilities, equipment, services and personnel.
10. **Notice of Completion- Acacia Street Rehabilitation Project.**
Recommendation: Accept the work performed by Rove Engineering, Inc., authorize the Mayor and City Clerk to execute and file the Notice of Completion and authorize the City Manager to release retention payments and project bonds once appropriate.
11. **Statement of Auditing Standards and Engagement Letters for FY 20/21.**
Recommendation: Accept the Statement of Auditing Standards (SAS) #114 and authorize the Mayor and Director of Finance to execute engagement letters with Teaman, Ramirez and Smith, Inc.
12. **Annual Reaffirmation of City Investment Policy.**
Recommendation: Adopt the FY 2021/22 Investment Policy as required by Government Code Section 53646.
13. **Appropriations Limit for FY 2021/22.**
Recommendation: Adopt Resolution No. 2021-020, establishing the Appropriations Limit for FY 2021/22.
RESOLUTION NO. 2021-020. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2021-022 FOR THE CITY OF BLYTHE IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE.
14. **Road Maintenance and Rehabilitation Project List- FY 2021/22.**
Recommendation: Adopt Resolution No. 2021-021, adopting the Road Maintenance and Rehabilitation Account Funded Project List for Fiscal Year 2021/22.
RESOLUTION NO. 2021-021. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2021-2022 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017.
15. **Ordinance Relating to Purchasing Control Systems.**
Recommendation: Conduct the second reading by title only, waiving further reading of Ordinance No. 905-21.
ORDINANCE NO. 905-21. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, REPEALING AND REPLACING CHAPTER 2.65 (PURCHASING CONTROL SYSTEM), ADDING CHAPTER 2.66 (PUBLIC PROJECTS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) AND AMENDING SECTION 1.10.014 (EXPENDITURE OF FUNDS) OF CHAPTER 1.10 (FISCAL CONTROL) OF TITLE 1 (GENERAL PROVISIONS) OF THE BLYTHE MUNICIPAL CODE.
16. **Ordinance to Repeal and Replace Chapter 18.01- Graffiti and Vandalism.** Recommendation: Conduct the second reading by title only, waiving further reading of Ordinance No. 906-21.
ORDINANCE NO. 906-21. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, REPEALING AND REPLACING CHAPTER 18.01 (GRAFFITI AND VANDALISM ABATEMENT) OF THE BLYTHE MUNICIPAL CODE.

Interim City Manager Crecelius requested to pull item #10 from the Consent Calendar, and recommended Council approve Consent Calendar items 1-9 and 11-16.

Public Comment. A gentleman in the audience asked why #10 was pulled from the Consent Calendar. Interim City Manager reported it is the Notice of Completion for the Acacia Street project. The contractor was unable to finish the work prior to the Meeting. The item will be brought back once the project is completed to staff's satisfaction.

Vice Mayor DeConinck moved approval of the Consent Calendar. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

PUBLIC HEARING:

2020 Urban Water Management Plan. Interim City Manager Crecelius stated Philip West of West and Associates is here to present the City's 2020 Urban Water Management Plan. Subsequent to the presentation and the opening of the Public Hearing, it is recommended Council adopt Resolution No. 2021-018 adopting the 2020 UWMP and Resolution No. 2021-019, adopting the Water Shortage Contingency Plan. These resolutions should be adopted by separate motion. I will now turn it over to Mr. West to present the plan.

Phillip West presented the 2020 Urban Water Management Plan. The plan was made available on the City's website and will be submitted to the California Department of Water Resources by the July 1, 2021 deadline.

Vice Mayor DeConinck stated PVID reported that MWD will ask for another 50% of the following allocation. They were going to ask for 25% but with the current situation they want to put a deal together to keep the levels up at Lake Mead.

The public hearing was opened. No Public Comment. The Public Hearing was closed.

Vice Mayor DeConinck moved approval of Resolution No. 2021-018. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

Councilman Halby moved approval of Resolution No. 2021-019. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

RESOLUTION NO. 2021-018. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADOPTING THE 2020 URBAN WATER MANAGEMENT PLAN.

RESOLUTION NO. 2021-019. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADOPTING A WATER SHORTAGE CONTINGENCY PLAN.

Categorical Exemption- New Cingular Wireless Cellular Tower. Interim City Manager Crecelius stated New Cingular Wireless, LLC is proposing installation of a new unmanned wireless cellular facility on a 720 square-ft property located at 1006 N. Broadway. The site is zoned Residential which allows for communications utility development. The project site is level with little vegetation. Surrounding land uses include farmed lands and residential properties. The Applicant proposes to erect a cellular tower approximately 50-feet tall with a palm tree design, with live palm trees 40-feet tall on the east, west and south sides, and other low-level landscaping surrounding the tower footprint. Based upon review of the CEQA Guidelines, the City has determined that the proposed project is exempt under the categorical exemption for in-fill development projects as it meets each of the five criteria set forth in section

15332 of the CEQA Guidelines. Therefore, subsequent to the public hearing, it is recommended Council adopt a Notice of Exemption for the New Cingular Wireless, LLC Cell Tower Project and direct staff to file the Notice of Exemption with the County Clerk.

Public Comment. Jeffrey Scott Tracy asked what the agenda item was about. Mayor Reynolds stated they need our approval to build another cell tower on Broadway.

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

Annual Assessment for Lighting Districts No. 1 and No. 2 for FY 2021/22. Finance Director Elms stated pursuant to the Landscape and Lighting Act the City must conduct annual proceedings to levy annual assessments in the districts formed under the act. The proceedings include a public hearing in which the Council must hear and consider all written and oral comments, statements, protests, objections, or other communication made in connection with the levy and collection of the assessments. The Council previously declared its intent to levy and collect assessments within Districts No. 1 and No. 2 at the May 11th meeting, further setting this meeting on June 8th at 6pm as the date and time for public hearing. Subsequent to the Public Hearing, staff recommends adoption of Resolution No. 2021-023 and Resolution No. 2021-024 approving the engineers report and confirming the assessment for fiscal year 2021/22 for Lighting Districts Nos. 1 and 2.

The public hearing was opened. No public comment. The public hearing was closed. Councilman Rodriguez moved approval of Resolution No. 2021-023 and Resolution No. 2021-024. The motion was seconded by Councilman Halby with a unanimous aye vote.

RESOLUTION NO. 2021-023. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2021-022 WITHIN THE CITY OF BLYTEH LIGHTING DISTRICT NO. 1.

RESOLUTION NO. 2021-024. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2021-022 WITHIN THE CITY OF BLYTEH LIGHTING DISTRICT NO. 2.

CONTINUED BUSINESS:

Cannabis Dispensary License Conditionally issued to HAH 1, LLC. Interim City Manager Crecelius reported the applicant's monthly update stated the contractor is ready to proceed once Caltrans grants approval. Fiber optics have been installed, Edison connected service, and seven applicants have cleared the commercial cannabis employee background process. As staff does not anticipate the project being complete by the June 25th deadline, another 60-day extension should be granted.

Jill Madsen with High Times stated she wishes she could give a date. Everything was submitted to Caltrans for review, but I was made aware that some of it was kicked back. Our dumpster enclosure was completed, we installed another sign. Once we get the green light from Caltrans, they are estimating 3-4 weeks to finish.

Public comment. James Schluter of 9400 18th Avenue asked Council to terminate High Times. They promised to be done in 6 months I know someone else who would be open with a retail store right now. There have been breaches in the agreement. Now they are asking for another 60 days. They said Caltrans was approved. You should never have put a cap on retail. We wouldn't have this problem right now.

Mike Farrage stated it's a lot easier on the outside looking in. In their defense, CalTrans is a pain. We said that before we had a license and that is why we switched locations. I think we told you that and is why we moved away from 95.

Councilman Rodriguez moved approval of Amendment No. 3 with an additional extension to expire on August 25, 2021. The motion was seconded by Councilman Halby with a unanimous aye vote.

NEW BUSINESS:

Adoption of the FY 2021/22 Operating and Capital Budget. Finance Director Elms stated staff is presenting the 2021/22 Operating and Capital Budget for Council's adoption. The combined budget for all city funds totals \$27.8 million. This includes a General Fund budget of \$11.5 million. The budget also includes funding for enterprises, internal services, debt service, capital improvement and special revenue funds. Enterprise funds make up the second largest component of the budget with the water enterprise fund budget at \$3.2 million and sewer enterprise fund budget at \$3.3 million. Proposed capital improvements include street projects funded by Measure A and SB 1 which include the Lovekin/Barnard improvement project, San Luis Way improvement project and the Wells/Willow improvement project. Also included is fall protection for both Todd and Appleby Parks, as well as playground improvements at Engvik park funded by CDBG, Prop 68 and General Funds. Other capital includes improvements to the Wastewater Treatment Plant, sewer lift rehab, valve maintenance program, police building security improvements, equipment for the Fire Department, park lawn mowers and police and code enforcement vehicle replacements. The budget also includes appropriations for a General Plan update funded by SB 2 grant funds, a housing element update, building abatement funding, City wide ADA assessment and transition plan and a utility rate study. The proposed budget is balanced and provides funds for police and fire and routine maintenance and operation of all city departments. Budgets are living documents. As we move through the year staff may recommend and Council may request amendments to the budget. Upon approval, the final budget document will be prepared and distributed to City Council, city staff and posted on the City's website. It is recommended Council adopt Resolution No. 2021-022 adopting the City's 2021/22 Operating and Capital budget as presented including all summaries and schedules attached in the amount of \$27, 855,811, approving staffing amendments as indicated in the report and approve and adopt included salary schedules.

Public comment. Jeffrey Scott Tracy of 390 N. First Street asked if we were going to take care of the roads? What are we going to do with \$27 million?

Councilman Halby stated there are road projects in the budget.

Councilman Rodriguez moved approval of Resolution No. 2021-022, adopting the Operating and Capital Budget. The motion was seconded by Councilman Halby with a unanimous aye vote.

RESOLUTION NO. 2021-022. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING THE OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2021-022.

Introduction of an Ordinance to Amend Title 5 and Add Chapter 5.74 of the Blythe Municipal Code relating to Sidewalk Vending. Chief Building Official Brown stated the State of California has enacted a new Government Code which applies to all cities in the State. This Government Code is Senate Bills 946, Sidewalk Vending. It was written into law in 2019 to provide economic opportunities for low income and migrant communities by increasing access to culturally significant food and merchandise while providing safe and dynamic public places. Upon approval of this Ordinance, the City will amend Title 5 of the Blythe Municipal Code. A sidewalk vendor is classified as someone who sells food or goods upon a sidewalk or public street. There are limits as to where and how a vendor may sell their goods. The Senate Bill does not allow the City to restrict sidewalk vendors or number of items sold. Vendors will be required to obtain a City Business License and carry a \$1 million insurance policy. Vendors may not block any street or right of way. Stationary vendors cannot operate on a sidewalk less than 8 feet wide within a business district or less than 4 feet wide in a residential district. They may not operate within 200 feet of a police or fire department, daycare or school or within 100 feet of a traffic intersection or playground equipment or within 25 feet of public infrastructure or a bus stop. Food vendors will need health department approval. No carts will be left in a public place when not in use nor will they be able to plug into an outlet of a nearby business or ornament on public property. In a residential area, vendors must be constantly moving and in operation between the hours of 9am to 5pm. In business districts vendors may set up shop and operate the same hours as the surrounding businesses. Penalties for violation are punishable by administrative citation.

Councilman Rodriguez asked if we had an issue with them in town. Chief Building Inspector Brown stated there are a few that operate in the City.

Councilman Halby asked if this would address the cell phone vendors. Chief Building Inspector Brown stated it addresses several items, but yes.

Vice Mayor DeConinck asked if it would affect the street fairs. It was reported it was a separate issue for those types of events.

City Attorney Roberto reported the State wanted to open sidewalk vending so they made it really hard for cities to regulate them. Generally speaking, in order to regulate them, anything you enact needs to be related to health and safety concerns. In the Ordinance we've created everything in it cites to a health and safety concern to whatever restriction was have put in place. This is specific to public right of way, specifically sidewalks.

No public comment. Vice Mayor DeConinck moved approval of staff's recommendation. The motion was seconded by Councilman Rodriguez with a unanimous aye vote. The City Clerk read the Title of the Ordinance into the record. She also read the Title of Ordinances 905-21 and 906-21 into the record.

ORDINANCE NO. 907-21. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, AMENDING TITLE 5 OF THE BLYTHE MUNICIPAL CODE TO ADD A NEW CHAPTER 5.74 ("SIDEWALK VENDING").

4th of July Fireworks Display. Interim City Manager Crecelius stated every year, expect for 2020, the Fire Department does an aerial display of fireworks on the 4th of July. It is recommended Council approve their application for aerial fireworks display for the 4th of July fireworks show.

No public comment. Vice Mayor DeConinck moved approval. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

ORAL REPORTS: None

MEMBER COMMENT: None

PUBLIC COMMENT:

Kati Cusick, President of the Blythe Area Chamber of Commerce asked Council to consider restoring the TOT tax to the Chamber and Visitors Center. We have been so grateful to align with you on several projects and your support and services in-kind. We have conquered a lot of hurdles in our first year of revitalizing the Chamber and our dedication to rebirthing Blythe. We are asking for this so we can create a tourism district to target year-round tourism and increasing our tax base. We hope you see this as a win-win. We want to see businesses expand and new businesses come in. We have aligned with other Chambers and are helping each other to send tourism to Blythe. I am hoping with this new surplus, you could consider restoring the TOT back to the Chamber so we can invest it completely into the community.

ADJOURN: The City Council meeting was adjourned at 6:58pm.

Dale Reynolds, Mayor

ATTEST:

Mallory Crecelius, City Clerk