

**Minutes of the Blythe City Council Meeting
June 13, 2023**

The June 13, 2023, meeting of the Blythe City Council was called to order at 6:00 p.m. 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, Finance Director and City Treasurer Elms, Police Chief Dale, and Chief Building Official Brown.

The Pledge of Allegiance was led by Mayor DeConinck.

The Invocation was offered by Vice Mayor Rodriguez

REPORT FROM CLOSED SESSION:

City Attorney Roberto stated as to items 1 through 3 there was no reportable action.

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, June 9, 2023.

2. Approval of the Warrant Register.

Recommendation: Approve **6/13/2023**, warrants numbered 10232 through 10251 and 76689 through 76760 in the amount of \$1,335,464.77; **6/13/2023**, warrants numbered 10252 through 10259 and 76770 through 76815 in the amount of \$360,072.64 and **06/13/2023**, Utility Billing Refund warrants numbered 76761 through 76769 in the amount of \$1,468.41.

3. Approval of the Payroll Register.

Recommendation: Approve **6/13/2023**, warrants numbered 53623 through 53639 and Direct Deposit warrants numbered 55914 through 55974 in the amount of \$260,171.46; **6/13/2023**, warrants numbered 53640 through 53657 and Direct Deposit warrants numbered 55975 through 56035 in the amount of \$262,769.40 and **6/13/2023**, warrants numbered 53658 through 53662 and Direct Deposit warrants numbered 56036 through 56136 in the amount of \$71,991.00.

4. Minutes of the May 9, 2023 City Council Meeting.

Recommendation: Approve the Minutes of the May 9, 2023, Meeting.

5. Minutes of the May 18, 2023 City Council Special Meeting and Special Closed Session.

Recommendation: Approve the Minutes of the May 18, 2023 City Council Special Meeting and Special Closed Session.

6. City of Blythe Permits Issued for the Month of May 2023.

Recommendation: Receive and file this monthly report.

7. City of Blythe Fire Department Monthly Activity Report for May 2023.

Recommendation: Receive and file the monthly report.

8. City of Blythe Police Department Monthly Activity Report for May 2023.

Recommendation: Receive and file the monthly report.

9. Quality of Life Program Activity Report for May 2023.

Recommendation: Receive and file the monthly report.

10. Acceptance of Work - Wastewater Treatment Plant Manhole Rehabilitation Project.

Recommendation: Accept the work performed by H&R Plumbing and Drain Cleaning, Inc. for

the WWTP Manhole Rehabilitation Project, 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. **Acceptance of TC Energy Build Strong Grant Award.**

Recommendation: Authorize the City Manager to accept and expend funds in the amount of \$10,000 provided by the TC Energy Build Strong Initiative for the Police Department's Quality of Life program.

12. **Acceptance of Donation - L&L Trucking Company.**

Recommendation: Accept a \$750.00 donation of labor and transportation from L&L Trucking.

13. **Information Technology Master Service Agreement - Southwest Networks.**

Recommendation: Authorize the Interim City Manager to enter into Agreement No. 2023-034 with Southwest Networks for managed IT services.

14. **Purchase of Public Works Vehicles.**

Recommendation: Authorize purchase order(s) in an amount not to exceed \$233,710.00 to Elk Grove Auto Group for the purchase of six (6) 2022 Dodge Ram 1500 Classic 4x2 Regular Cab Trucks including costs associated with equipping in the 2023 fiscal year, issue purchase order(s) in an amount not to exceed \$155,807.00 for an additional four (4) trucks including costs associated with equipping in the 2024 fiscal year for the Public Works Department and authorize the City Manager to make minor amendments to the purchasing contracts in an amount not to exceed \$5,000.00 for ancillary expenses.

15. **Extension of Temporary Use Permit – 10 West Link Laydown Yard.**

Recommendation: Authorize a twelve (12) month extension to EC Source Services LLC'S TUP for the 10 West Link Laydown Yard located at 241 South Neighbors Blvd.

16. **Request for Aerial Fireworks Display.**

Recommendation: Approve the Aerial Fireworks Display application submitted by the Blythe Volunteer Fire Department.

17. **Request for the Sale and Display of Fireworks.**

Recommendation: Approve applications submitted by Victoria Sanchez/First Assembly of God for the sale of safe and sane fireworks.

18. **Annual Reaffirmation of City Investment Policy.**

Recommendation: Adopt the FY 2023/24 Investment Policy.

19. **Funding Agreement with State Water Resources Control Board.**

Recommendation: City Council adopt the following Resolution:

RESOLUTION NO. 2023-009. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, AUTHORIZING ENTERING INTO A FUNDING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND AUTHORIZING AND DESIGNING A REPRESENTATIVE FOR THE MESA RANCH WATER STORAGE TANK REPLACEMENT PROJECT.

20. **Appropriations Limit for Fiscal Year 2023-2024.**

Recommendation: Adopt the following Resolution:

RESOLUTION NO. 2023-010. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023-2024 FOR THE CITY OF BLYTHE IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

21. **FY 2023/-24 Road Maintenance and Rehabilitation Account Funded Project List.**

Recommendation: Adopt the following Resolution:

RESOLUTION NO. 2023-011. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-2024 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017.

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

PUBLIC HEARING:

Annual Assessment for Lighting District Nos. 1 and 2 for FY 2023/-24. 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 must include a public hearing in which the Council must hear and consider all written and oral comments, statements, protests, objections, or other communications 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 9th meeting, further setting this meeting on June 13th at 6 p.m. as the date and time for the public hearing. Subsequent to the public hearing, staff recommends the adoption of Resolution Nos. 2023-012 and 2023-013 approving the engineer's report and confirming the assessment for District's No. 1 and No. 2.

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

RESOLUTION 2023-012. 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 2023-2024 WITHIN THE CITY OF BLYTHE LIGHTING DISTRICT NO. 1.

RESOLUTION 2023-013. 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 2023-2024 WITHIN THE CITY OF BLYTHE LIGHTING DISTRICT NO. 2.

CONTINUED BUSINESS:

Save Chuck. Interim City Manager Crecelius gave an update on Save Chuck. The findings of the economic impact study are in, and for the City it is what we anticipated at a revenue loss of \$2.9 million. The major finding was the impacts to the School District which are much worse than they had anticipated. They are looking at a \$4.9 million revenue reduction based on the loss of students. We are working to circulate this report in Sacramento. It's obvious CDCR did not do this when they made the determination to close Chuckawalla. Now that we have concrete findings, hopefully we can have further conversations about the impact of this decision on Blythe. Last week the Mayor, Vice Mayor and I met with Scott Budnick who is a Hollywood producer, but who also does a lot of advocacy work. Scott has visited both institutions in Blythe numerous times and was recently appointed by the Governor to the San Quentin project. We thought it would be good to have a conversation with him as he could be a good ally. The first words out of his mouth were "I agree 100% this is the wrong prison to close. I will support you however I can." We will be issuing a press release about the conversation and announcing his support for Save Chuck. We had a meeting scheduled with the CDCR Secretary and Assemblyman Garcia. At the last minute the meeting was cancelled by the Secretary. We are hopeful it will be rescheduled. We are pushing a letter writing campaign. We are asking those who will be impacted to submit letters through savechuck.org.

Vice Mayor Rodriguez stated Mr. Budnick also sits on the board of Corrections, Communities and Jails association. He was appointed by Governor Brown and was also appointed by Governor Newsom, so he is a very strong advocate. He is famous but has gravitated away from Hollywood to make this his life's mission. He is the CEO of the Anti-recidivism Coalition. He is not an employee or a politician, so it makes him a strong advocate.

Public comment. Luther Holly of 955 Lido Ln. stated they are proposing to close youth facilities

in Sylmar and Boyle Heights due to the deplorable conditions. Why couldn't it be recommended that they use Chuckawalla for youth offenders? I have worked with Mr. Budnick at CVSP on programs for youth offenders.

The item was received and filed.

NEW BUSINESS:

FY 2023/-24 Operating and Capital Budget. Finance Director Elms stated staff presented the FY 2023/24 proposed budget to Council for their review and public input in a Study Session on May 18th. This evening staff is presenting the final draft for Council's consideration for adoption. The total proposed City-wide budget is \$42.8 million including \$15.6 million in the City's General Fund, \$5.3 million in the Water Enterprise fund and \$3.8 million in the Sewer Enterprise fund. The budget also includes appropriations for various other funds. The budget as proposed is balanced and expenditures include all salaries, benefits, services, supplies, maintenance, debt service and capital related items. The budget includes funds for police and fire protection, plus maintains current service levels for the maintenance and operation of all city departments. In addition, funding is included for the proposed radio upgrades for police, fire and development services, funding for a dog park at Miller Park, a playground shade structure at Engevik park, continued funding for building security improvements at the Police Department, continuation of the Beautify Blythe project, 6th and 10th Avenue road improvements, the continuation of the slurry and seal of 9 streets and continued funding for the Wells and Willow Street project, fleet replacements for various departments, the college reservoir project, the Mesa Ranch water reservoir design, water valve program, well and sewer lift rehabilitation and added funding for water and sewer service line replacements as well as continued funding for building abatement and blight clean up. The budget as proposed includes staffing changes with the addition of a code enforcement officer, police officer contingent upon the PVC agreement and changes to current funding for positions in the wastewater and street departments at Public Works. Council may request amendments to the budget at any time it deems necessary. Staff recommends the City Council adopt Resolution No. 2023-014, adopting the City's Operating and Capital budget as presented, approve staffing changes as indicated in the report and approve and adopt the included salary schedules pursuant to section 570.5 of the California Code of regulations.

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

RESOLUTION NO. 2023-014. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2023-2024.

Mural Proposal - Flat Black Art Supply. Interim City Manager Crecelius stated the Art in Public Places committee was introduced to Pete Salcido, owner of Flat Black Art Supply in Palm Desert California. Flat Black Art Supply specializes in large-scale murals and has delivered projects across the Coachella Valley. Mr. Salcido is interested in starting a mural program in Blythe. The Art committee met with Mr. Salcido to discuss the City's vision for this program, look at existing art and potential sites. Mr. Salcido submitted a proposal for a large mural to be located on Spring Street. The Art committee provided feedback which resulted in the mural before you this evening. This mural could be funded with Art in Public Places funds on deposit.

When a newly constructed or re-constructed project is built in Blythe, the developer is required to deliver art on site; or pay an in-lieu fee. The fees are deposited in the Art in Public Places fund to deliver art throughout the City. The art fund has roughly \$54,000 on deposit. The City has previously used Art in Public Places funds to purchase the Hobsonway Banners and Park Monuments at Todd and Miller Parks. The mural program could be expanded in phases to include more murals, to utilize the talent of local artists and engage the City's youth. This mural will contribute to the other murals that have been delivered in Blythe by the Blythe Chamber of Commerce. The Art in Public Places committee recommends that Council provide direction to staff related to the Blythe Mural Project as presented by Flat Black Art Supply and authorize the Interim City Manager to enter into an agreement with Flat Black Art Supply to deliver one large mural in an amount not to exceed \$23,000.

Councilman Halby asked if we were concerned the owner would do something with the building or sale it? That's a lot of money for a mural. \$23,000 is way too much money. I believe this gentleman has contacted a local artist and sounds like he is contracting this work out. These local guys may be able to do the job cheaper, so I am reluctant with this whole deal. If he hires a local to do this, we are going to have a big problem.

Vice Mayor Rodriguez stated we are hiring him to commission the work. If he hires a local artist to paint it, that money stays local. That brings ownership to it. Anything we do could be open to graffiti. If you look on Main Street since Ms. Dean has had the work commissioned it has not yet been victim of graffiti. He has been successful in the Cities of Coachella and Palm Springs. This is something we thought would brighten the street and bring needed investment and why that site was selected.

Public comment:

Kathy Linares of 2545 Fairway Dr. would like to see the streets fixed. I would like to see that as beautification.

Luther Holley of 955 Lido Ln. stated it is a lot of money to have someone paint a building. Who is going to keep those with spray cans contributing to that? There are better things we can do for the beautification of Blythe.

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

Desing Services for the Beautify Blythe Clean CA Grant. Interim City Manager Crecelius stated in 2022, the City of Blythe in partnership with PVVTA was awarded \$2.9 million in Clean California Grant program funding for the Beautify Blythe project. Grant Improvements include a decorative perimeter wall, lighting and landscaping at the Public Works yard, lighting, parking lot improvements and landscaping at Miller Park, a restroom for Transit's CNG Station, bus top improvements at 26 bus stop locations and improvements to PVVTA's operational facility and Park-N-Ride. The grant includes community engagement, clean ups, and events. All grant funds must be expended, and the project complete no later than June 30, 2024.

In March, the City released a request for qualifications for professional engineering and design services. One proposal was received from Kimley-Horn in the amount of \$257,960.24. As environmental work for the project has been completed that task was removed from the scope and the bid was reduced to \$245,000. The design work will take approximately 90 days to complete. From there, bid documents will be released to prospective contractors. Staff anticipates breaking ground in the first quarter of 2024. To deliver this project by the deadline, design work needs to begin as soon as possible. Therefore, it is recommended Council award the professional engineering design services for the Beautify Blythe Project to Kimley-Horn in an amount not to exceed \$245,000 contingent upon the work and budget being approved by Caltrans. It is further recommended Council authorize the Interim City Manager to enter into an agreement with Kimley-horn once the final scope and budget are approved and the agreement has been reviewed and approved by the City Attorney.

Public comment. Deborah Powels of 413 W. Hobsonway asked for an understanding of the Beautification Project.

Councilman Reynolds moved approval of staff's recommendation. The motion was seconded by Councilman Burton with unanimous aye votes.

Commercial Cannabis Business Transfer Procedures. Interim City Manager Crecelius stated in February, the Council adopted Ordinance No. 920-22 amending the City's Commercial Cannabis Activity regulations for consistency with State Law. The Ordinance also clarified the procedures for transferring commercial cannabis business permits. At the time the Ordinance was adopted, it was reported a Resolution outlining the transfer procedures and associated fees would be brought back to Council for adoption. It has been staff and Council's understanding that any transfers would include the new owner going through a background investigation and receiving approval of the transfer from City Council. However, until Ordinance 920-22 was adopted in February, permit transfers were not specifically addressed in the Municipal Code. Resolution No. 2023-015 outlines the application procedures and requirements associated with a transfer of ownership. Adopting the Resolution will provide clear guidelines for the transfer of Commercial Cannabis Business Permits. The resolution also establishes the fees to recover the cost of processing transfer applications. The transfer includes three phases, preliminary determination of eligibility, owner background and interview with City Staff, and City Manager's recommendation to Council. It is recommended Council Adopt Resolution No. 2023-015, setting the procedures and requirements for the transfer of commercial cannabis business permits.

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

RESOLUTION NO. 2023-015. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADOPTING PROCEDURES AND REQUIREMENTS FOR THE TRANSFER OF COMMERCIAL CANNABIS BUSINESS PERMITS AND ADOPTING FEES AND CHARGES TO RECOVER THE COST OF PROCESSING APPLICATIONS TO TRANSFER COMMERCIAL CANNABIS BUSINESS PERMITS TO NEW OWNERS, BACKGROUND INVESTIGATORS, AND RELATED ACTIVITIES.

Agreement to Provide Law Enforcement Services to the Palo Verde Community College District. Police Chief Dale stated that over the last several months Blythe Police Administration has been in discussion with the College administration to develop a new model of interagency collaboration between law enforcement and the college. We've had a successful program with the School District over the last year and the College wanted to be part of that. The Police Department and College are proposing to place one police officer as a tactical officer at the campus to address crime, safety, and security. The College will reimburse the City up to \$235,000 for the first year of services based on full cost recovery as well as overtime. They are voting on this at the College tonight.

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

Ordinance Adopting Amended Military Equipment Use Policy Pursuant to AB 481. City Attorney Roberto stated AB 481 requires California Law Enforcement Agencies to obtain approval from their governing bodies of Military Use Policies prior to taking certain actions related to the funding, acquisition, or use of military equipment as defined. On May 10, 2022, the Council adopted an Ordinance to adopt a Military Equipment Use policy governing the use of items deemed as military equipment under AB 481. The policy was effective as of June 10, 2022. The City's existing policy includes four categories of military equipment listed in AB 481. It also contemplates the use of military equipment owned by other law enforcement agencies. The Police Department has identified additional items that are identified as military equipment under AB 481 and is proposing to amend the policy to include the additional items. The proposed amended policy includes eight categories of military equipment as defined in AB 481 and includes additional equipment such as a command-and-control vehicle, additional unmanned aircraft systems, firearms, ammunition, breaching apparatuses, and flash bang grenades. The policy continues to contemplate the use of military equipment owned by other law enforcement agencies. To comply with AB 481, the Police Department recommends the City Council introduce Ordinance No. 922-23 to adopt an amended Military Use policy.

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

ORDINANCE NO. 922-23. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADOPTING AN AMENDED MILITARY EQUIPMENT USE POLICY GOVERNING THE USE OF MILITARY EQUIPMENT PURSUANT TO ASSEMBLY BILL 481.

ORAL REPORTS:

Interim City Manager Crecelius reported on the City's use of Flash Vote and encouraged residents to sign up to participate in the surveys. The next survey will be released on June 20th and will ask what the priorities of the community are so that when funding becomes available, Council can better prioritize projects.

PUBLIC COMMENT:

Debra Powels of 413 W. Hobsonway stated the information about Flash Vote should be put in the water bill.

Donna Smith of 17600 Pallowalla Rd. read an essay related to the recruitment of a Casino to Blythe which would help the economic future of Blythe.

ADJOURN: The City Council meeting was adjourned at 6:49pm.

Joseph DeConinck, Mayor

ATTEST:

Mallory Crecelius, City Clerk