

**Minutes of the Blythe City Council Meeting
July 13, 2021**

The July 13, 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, Halby and Burton. Staff in attendance included: Interim City Manager and City Clerk Crecelius, Finance Director Elms, Building Official Brown, Fire Chief Hasler, Acting Police Chief Walnoha, Chief Building Inspector Brown and City Attorney Roberto.

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 and #2 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, July 9, 2021.

2. Approval of the Warrant Register.

Recommendation: Approve **7/13/2021**, warrants numbered 73475 through 73537 in the amount of \$330,966.04; **7/13/2021**, Utility Billing Refund warrants numbered 73538 through 73549 in the amount of \$1,821.94; **7/13/2021**, warrants numbered 73550 through 73571 in the amount of \$184,547.53; **7/13/2021**, warrants numbered 73572 through 73637 in the amount of \$295,325.37 and **7/13/2021**, warrants numbered 73638 through 73648 in the amount of \$1,645,083.66.

3. Approval of the Payroll Register.

Recommendation: Approve **7/13/2021**, warrants numbered 52291 through 52306 and Direct Deposits numbered 50488 through 50548 in the amount of \$235,262.75; **7/13/2021**, warrants numbered 52307 through 52308 in the amount of \$198.47; **7/13/2021**, warrants numbered 52309 through 52322 and Direct Deposits numbered 50549 through 50609 in the amount of \$232,185.03; **7/13/2021**, warrants numbered 52323 through 52358 in the amount of \$120,131.40; **7/13/2021**, warrants numbered 52359 through 52374 and Direct Deposits numbered 50610 through 50670 in the amount of \$232,377.50 and **7/13/2021**, warrants numbered 52375 through 52379 and Direct Deposits numbered 50671 through 50773 in the amount of \$76,987.52.

4. Minutes of the June 8, 2021 City Council Meeting.

Recommendation: Approve the Minutes of the June 8, 2021 Meeting.

5. City of Blythe Permits issued for the Month of June 2021.

Recommendation: Receive and file this monthly report.

6. City of Blythe Fire Department Monthly Activity Report for June 2021.

Recommendation: Receive and file this monthly report.

7. City of Blythe Police Department Monthly Activity Report for June 2021.

Recommendation: Receive and file this monthly report.

8. **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.
9. **Acceptance of Donation- Funding for Public Works.**
Recommendation: Accept a donation from Angela Li in the amount of \$1,000 to be used by the Public Works Department.
10. **Investment Report for 4th Quarter- FY 2020/21.**
Recommendation: Accept and file this quarterly report.
11. **Levy of Special Taxes within CFD No. 2004-1 (Hidden Beaches).**
Recommendation: Council, in their capacity as acting legislative body for Community Facilities District 2004-1 (Hidden Beaches), Adopt Resolution No. 2021-025, authoring the levy and collection of special taxes.
RESOLUTION NO. 2021-025. A RESOLUTION OF THE CITY COUNCIL ACTING AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 2004-1 (HIDDEN BEACHES) OF THE CITY OF BLYTHE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2004-1 (HIDDEN BEACHES) FOR FISCAL YEAR 2021-2022.
12. **Special Assessment for Prior Year Delinquent Utility Charges.**
Recommendation: Adopt Resolution No. 2021-026.
RESOLUTION NO. 2021-026. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, ADOPTING THE REPORT OF THE DELINQUENT UTILITY ACCOUNTS AND DIRECTING THE CITY MANAGER TO FILE SAID REPORT WITH THE COUNTY OF RIVERSIDE AUDITOR AND REQUEST THE AUDITOR PLACE THE DELINQUENT ACCOUNTS ON THE TAX ROLL.
13. **Acceptance of the SWBRTAP Grant.**
Recommendation: Adopt Resolution No. 2021-028, accepting funds from the Southwest Border Rural and Tribal Assistance Program in the amount of \$7,800 for police equipment.
RESOLUTION NO. 2021-028. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ACCEPTING BJA-2021 SOUTHWEST BORDER RURAL LAW ENFORCEMENT ASSISTANCE PROGRAM GRANT AND AUTHORIZING THE INTERIM CITY MANAGER OR DESIGNEE TO ACT ON THE CITY'S BEHALF.
14. **Adoption of an MOU for the Clerical/Para-Professional/Recreation Unit.**
Recommendation: Adopt Resolution No. 2021-029, an addendum to the Clerical MOU.
RESOLUTION NO. 2021-029. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING AN ADDENDUM TO THE CLERICAL/PARA-PROFESSIONAL/RECREATION UNIT'S MEMORANDUM OF UNDERSTANDING FOR THE PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2023.
15. **Adoption of an MOU for the Non-Sworn Unit.**
Recommendation: Adopt Resolution No. 2021-030, an addendum to the Non-Sworn MOU.
RESOLUTION NO. 2021-030. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING AN ADDENDUM TO THE NON-SWORN UNIT'S MEMORANDUM OF UNDERSTANDING FOR THE PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2024.
16. **Adoption of an MOU for the Management Unit.**
Recommendation: Adopt Resolution No. 2021-031, an addendum to the Management MOU.
RESOLUTION NO. 2021-031. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING AN ADDENDUM TO THE MANAGEMENT UNIT'S MEMORANDUM OF UNDERSTANDING FOR THE PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2023.
17. **Consideration of Resolution to Continue the Local Emergency Due to COVID-19.**
Recommendation: Adopt Resolution No. 2021-034.
RESOLUTION NO. 2021-034. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, DETERMINING THE NEED TO CONTINUE THE LOCAL EMERGENCY PROCLAIMED ON MARCH 20, 2020 AND PREVIOUSLY CONTINUED ON MAY 12, 2020, JULY 14, 2020, SEPTEMBER 8, 2020, NOVEMBER 10, 2020, JANUARY 12, 2021, MARCH 9, 2021 AND MAY 11, 2021
18. **Ordinance to Amend Tile 5 and Add Chapter 5.74 of the BMC relating to Sidewalk Vending.**
Recommendation: Conduct the second reading by title only, waiving further reading of Ordinance No. 907-21.

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").

No public comment. Vice Mayor DeConinck moved approval of the Consent Calendar. The motion was seconded by Councilman Rodriguez with a unanimous aye vote. City Clerk Crecelius read the title of the Ordinance No. 907-21 into the record.

PUBLIC HEARING:

Conditional Use Permit 2106-001- Escuela De La Raza. Interim City Manager Crecelius stated Escuela De La Raza Unida proposes to construct the Alegria Early Learning Center at 1021 West Barnard. Pursuant to the Blythe Municipal Code, a Conditional Use Permit is required to allow this use in a Residential Zone. Surrounding uses include residential homes, vacant land, and a childcare center also operated by Escuela De La Raza. The project site is suited for the proposed use, with an existing childcare facility in the neighborhood. The project will enhance the surrounding neighborhood as the project site is currently vacant land. Parking, traffic, landscape, and public services have been addressed in the associated conditions of approval. The applicant has completed the PRC process and has accepted the project conditions. The City of Blythe has determined the project is exempt from the provisions of CEQA pursuant to section 15332 of the CEQA Guidelines in that it can be seen with certainty that the activity in question will not have a significant effect on the environment. The proposed project meets all five criteria for exemption from CEQA as defined in Section 15332, with citation to Section 21083, Public Resources Code, and reference to Section 21084 Public Resource Code and has no features or characteristics that would qualify as exemptions to the exemption as defined in Section 15300.2 of the CEQA Guidelines. Before final approval of the Conditional Use Permit, the City Council shall make the following findings: that the proposed location of the Conditional use is in accord with the objectives of this title and the purpose of the zone in which the site is located; and that the proposed location in which the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and a Conditional Use Permit issued under the terms of Blythe Municipal Code Title 17.68 shall lapse if no improvements to the real estate concerned have been made, and the holder of the permit shall not have utilized it within one year from the date upon which such permit shall have been granted. Therefore, it is recommended, subsequent to the Public Hearing thereon Council Adopt Resolution No. 2021-032 approving the Notice of Exemption prepared for Conditional Use Permit 2106-001 and Resolution No. 2021-033 approving Conditional Use Permit 2106-001, with conditions.

The Public Hearing was opened. No public comment. The hearing was closed. Vice Mayor DeConinck moved approval of staff's recommendation. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

Introduction of Ordinance No. 908-21 Amending Section 17.08.010 of the BMC. Interim City Manager Crecelius stated Benno Pabst and Manual Martinez inquired about remodeling property formerly in use as a motel into an apartment complex. The motel is located on property zoned General Commercial. The Zoning Code, as written, does not allow for multi-family dwelling units in commercial zone. Blythe Municipal Code Chapter 17.68 - Conditional

Use Permit states certain uses of land, structures, and buildings possess characteristics which, if not specifically regulated, could be detrimental to adjacent properties or to the general welfare of the City, yet should logically be in certain zoned districts, or in the City without regard to zone district classification. Such uses would serve the general welfare and not be detrimental to adjacent properties if subject to conditions designed to minimize the adverse effects at specific sites. A Conditional Use Permit, approved by the City Council, is required for the location and operation of such uses. As the proposed use is not consistent with the City's Zoning Code, staff recommended the applicants submit a Zoning Text Amendment application to allow for multi-family dwelling units such as apartment buildings or complexes in a General Commercial Zone by way of a Conditional Use Permit. Staff supports this request as it could help revitalize the downtown. If other uses for these properties were available, it could create redevelopment opportunities for those properties and remove blighted buildings from the City. Allowing apartment complexes in a commercial zone could encourage mixed-use neighborhoods which is consistent with the City's General Plan. It should be noted that this change will not allow multi-family dwelling units in the General Commercial Zone by right. The property owner would be required to apply for a Conditional Use Permit. The CUP process requires a Public Hearing, notice to surrounding property owners and Council approval with findings and conditions. The Council would be required to make findings before the CUP were issued. Therefore, subsequent to the Public Hearing it is recommended Council conduct the first reading by title only, waiving further reading of Ordinance No. 908-21.

The Public Hearing was opened. No public comment. The hearing was closed. Councilman Rodriguez moved approval of staff's recommendation. The motion was seconded by Councilman Burton with a unanimous aye vote. City Clerk Crecelius read the title of Ordinance No. 908-21 into the record.

ORDINANCE NO. 908-21. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, AMENDING SECTION 17.08.010 (USES PERMITTED IN EACH ZONE) OF CHAPTER 17.08 (PERMITTED USES) OF DIVISION II (ZONES) OF TITLE 17 (ZONING) OF THE BLYTHE MUNICIPAL CODE.

CONTINUED BUSINESS:

Cannabis Dispensary License Conditionally issued to HAH 1, LLC. Interim City Manager Crecelius stated a monthly update was not provided by applicant; however, this month Caltrans requested the City give design approval of the improvement. The City reviewed and approved the plans within 2 ½ days and returned them to the applicant. I am not sure how much longer Caltrans needs before they issue the permit. The last I heard; construction will take 3-4 weeks once the permit is issued.

George Colangeli, General Manager of PVVTA stated the applicant has yet to install the required bus stop. I have tried to contact them several times. Yet, they have made no headway on the required improvements. It is an active bus stop and its currently an unsafe condition. We are asking the owner to contact us to mitigate these issues. The conditions require a bus stop shelter. I spoke to the manufacture and the lead time on shelters is currently 14 weeks.

Interim City Manager Crecelius stated both me and Chief Building Official Brown have told the applicants they will not receive a Certificate of Occupancy until all conditions have been met,

which includes the bus shelter. They should be aware of the bus stop requirement and should know they are not opening until they have made progress on these improvements.

The item was received and filed.

NEW BUSINESS:

Letter of Public Convenience and Necessity- La Paloma. Interim City Manager Crecelius stated La Paloma applied for a Type 41-Restaurant On-Sale Beer and Wine Eating license within Census Tract 462 for their restaurant located at 151 S. Lovekin Blvd. Due to the undue concentration of licenses in this tract, Council must submit a letter addressing the over concentration and the justification for issuance of the license. There are eleven active licenses at 7 establishments in census tract 462. Of the eleven, 3 licenses belong to businesses that are currently closed. Two of the licenses belong to an establishment located in the unincorporated area of Riverside County due to the large geographic area covered by Census Tract 462. La Paloma relocated from E. Hobsonway to S. Lovekin. They previously held an on-sale license at their former location. The addition of this On-Sale license will therefore not increase the number of licenses previously issued in the City. The issuance of this license is a necessity for the establishment. It is also a convenience to customers to purchase food and drink from the same establishment. Therefore, the issuance of an On-Sale Beer and Wine-Eating license at this location serves a public convenience and necessity. It is recommended Council approve a letter supporting the issuance of an On-Sale Beer and Wine- Eating Type 41 Restaurant license within Census Tract 462 to La Paloma with the full knowledge of the undue concentration provision as outlined by the ABC.

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

Issuance of a Cannabis Cultivation Permit- LG Harvest, LLC. Interim City Manager Crecelius stated LG Harvest applied for a Commercial Cannabis Cultivation business at 416 W. Donlon. This site is zoned General Industrial which allows for the development of commercial cannabis structures on lots of at least 15,000 sq feet. The subject property has been purchased by LG Harvest for this operation. At present, the site consists of two dilapidated structures. The applicant plans to remodel one of the structures for use as an office. The other structure will be remodeled for use as a storage facility. The project will start with one 4,000 sq ft warehouse for cultivation with future expansion plans. LG Harvest has submitted the information required for the first three phases of the application process, including an in-depth interview with City staff. Angela Li, owner and president of LG Harvest completed the owner background investigation with nothing found to preclude her from being issued a Commercial Cannabis Permit. Therefore, it is recommended Council issue a Commercial Cannabis Cultivation Permit to LG Harvest, LLC.

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

Formation of and Appointment to the Animal Services Ad Hoc Committee. Interim City Manager Crecelius stated the County Animal Shelter has been under the threat of closure

twice in two years. Each time, City officials and Community members have petitioned the Board of Supervisors to keep the shelter open. The City was successful, but during the County budget hearing on June 14th and 15th it was made clear that the City would need a long-term plan for shelter services past this year. Staff requests Council form an Ad Hoc Committee to discuss the City's options should Riverside County close the shelter. The intent of the committee would be to present a long-term plan to the full council prior to the end of the fiscal year.

Vice Mayor DeConinck and Councilman Burton were appointed to serve on the Animal Services Ad Hoc Committee.

Parcel Map No. 37983- Final Map. Interim City Manager Crecelius stated at the February 9th meeting, Council conducted a Public Hearing and approved Tentative Parcel Map 37983, a request to allow the division of one 2.26± acre site into two separate parcels. The project site is comprised of the Comfort Suites hotel and Subway restaurant located at 700 W. Donlon Street. Proposed Parcel No. 1 is 0.61± acres in size and Proposed Parcel No. 2 is 1.65± acres in size. Parcel No. 1 has access from an improved dedicated right-of-way. Parcel No. 2 has an access easement with another parcel. Conditions of approval require additional and irrevocable access and parking agreements between Proposed Parcels No. 1 and No. 2. No variances or exceptions are required for this Parcel Map. Parcel Map 37983 is in substantial compliance with the approved Tentative Map and is compliant with the conditions applied to the project. Therefore, it is recommended Council authorize staff to record Parcel Map 37983.

WRITTEN COMMUNICATION:

Blythe Police Officers Association. Sgt. Troy Fabanich, BPOA President stated the Association voted to support Interim Lieutenant Garth Dale for Chief of Police. The purpose of the letter is to express that support and detail the reasons that formed our decision. We believe no other candidate will possess Garth's unique combination of large agency/Palo Verde Valley law enforcement experience along with Blythe PD operations. Given the recent uncertainty and turmoil in Blythe PD leadership, it is crucial that Blythe PD personnel have a sense of consistency and familiarity with the Chief of Police and the Chief having an intimate knowledge of Blythe and Blythe PD. Given those concerns, Garth Dale is the obvious choice. BPOA gives its enthusiastic support to Interim Lieutenant Garth Dale for Chief of Blythe PD.

Councilman Halby thanked BOPA for the letter. This letter is pretty much the same letter we read about two years ago. I would like to see a comment to the paper from BPOA about the resignation.

Councilman Rodriguez thanked the Blythe Police Officers who showed up today for their support.

Councilman Burton thanked Blythe PD for their dedication and hard work.

Mayor Reynolds thanked the Officers for what they do for the community. We will take your recommendation into consideration.

Vice Mayor DeConinck stated we are here to do the best that we can for our community.

ORAL REPORTS: None

MEMBER COMMENT:

Vice Mayor DeConinck stated the League of Cities meeting had a representative from MWD who gave a presentation regarding the water shortage. I had to ask them about the situation here in Blythe. There will be another 50% put into the fallowing program. It is volunteer, but there are issues. This will be happening in our valley. Something could come and haunt us down the road.

Mayor Reynolds thanked Vice Mayor DeConinck for the update. He stated this has been a concern since this program stated. You have probably been the biggest advocate for the City and we appreciate everything you do to keep us updated and for taking care of our City and valley.

Councilman Rodriguez thanked Angela Li for her donation of \$1,000 to Public Works.

Mayor Reynolds thanked the Blythe Fire Department on behalf of the City Council and community for an excellent 4th of July fireworks show.

Fire Chief Hasler thanked Council for their support. He stated this year Pyro Tech did not supply us with the program. The program you saw was put together by Jason Brown, Jim Morris and Steve Currier. Everything you saw, the Blythe Fire Department did that.

Councilman Halby said its funny you say that, because that was the best show I have ever seen. I think you might want to continue that way.

Chief Hasler said the guys did a heck of a job and I am really proud of them. A lot of work goes into that show.

Vice Mayor DeConinck stated its hot out there when they are putting it together and there is a lot to it.

PUBLIC COMMENT: None

ADJOURN: The City Council meeting was adjourned at 6:47pm.

Dale Reynolds, Mayor

ATTEST:

Mallory Crecelius, City Clerk