

**Minutes of the Blythe City Council Meeting
June 9, 2020**

The June 9, 2020 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 Egan and Council Members DeConinck, Rodriguez and Halby. Staff in attendance included: Interim City Manager and City Clerk Crecelius, Finance Director and City Treasurer Elms, Police Chief Coe, Interim Public Works Director Ojeda, Chief Building Official Brown and Deputy City Attorney Roberto.

The Pledge of Allegiance was led by Mayor Reynolds. The Invocation was led by Vice Mayor Egan.

REPORT FROM CLOSED SESSION: Deputy City Attorney Roberto reported direction was given, no action was taken.

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 5, 2020.

2. Approval of the Warrant Register.

Recommendation: Approve **06/9/2020**, Utility Billing Refund warrants numbered 71751 through 71761 in the amount of \$1,536.56; **06/9/2020**, warrants numbered 71762 through 71808 in the amount of \$261,141.63 and **06/09/2020**, warrants numbered 71809 through 71860 in the amount of \$553,801.41.

3. Approval of the Payroll Register.

Recommendation: Approve **6/9/2020**, warrants numbered 51690 through 51703 and Direct Deposits numbered 47554 through 47608 in the amount of \$214,508.20; **06/9/2020**, warrants numbered 51704 through 51717 and Direct Deposits numbered 47609 through 47663 in the amount of \$207,762.61; **06/9/2020**, warrants numbered 51718 through 51722 and Direct Deposits numbered 47664 through 47769 and **06/9/2020**, warrants numbered 51723 through 51736 and Direct Deposits numbered 47770 through 47824 in the amount of \$217,800.95.

4. Minutes of the May 12, 2020 City Council Meeting.

Recommendation: Approve the Minutes of the May 12, 2020 meeting.

5. City of Blythe Permits issued for the Month of May 2020.

Recommendation: Receive and file this monthly report.

6. City of Blythe Fire Department Monthly Activity Report for May 2020.

Recommendation: Receive and file this monthly report.

7. City of Blythe Police Department Monthly Activity Report for May 2020.

Recommendation: Receive and file this monthly report.

8. Annual Reaffirmation of City Investment Policy.

Recommendation: Adopt the Investment Policy for Fiscal Year 2020/21.

9. Annual Consumer Price Index and Landfill Rate Agreement.

Recommendation: Approve the annual rate adjustments submitted by CR&R pursuant to Section 22.7.1 of the Solid Waste and Recycling Services Agreement.

10. Statement of Auditing Standards (SAS) #114 and Engagement Letters FY 2019/20.

Recommendation: Accept and authorize the Mayor and Finance Director to sign the Statement of Auditing Standards #114 as presented by Teaman, Ramirez and Smith, Inc.

11. Request for Sale and Display of Fireworks.

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

12. Second Amendment to Information Technology Services Agreement.

Recommendation: Authorize the City Manager to enter into a three-year agreement with Southwest Networks, Inc for Technology support services. The terms include an annual maintenance agreement of \$54,240.00.

13. Appropriations Limit for Fiscal Year 2020/21.

Recommendation: Adopt Resolution No. 2020-023 establishing the Appropriations Limit for Fiscal Year 2020/21.

RESOLUTION NO. 2020-023. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020-2021 FOR THE CITY OF BLYTHE IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE.

14. Agreement between City and HDL for Transactions Tax Audit and Information Services.

Recommendation: Authorize the City Manager to enter into an agreement with HDL for Transactions Tax Audit and Information Services and Adopt Resolution No. 2020-024 authorizing HDL to receive sales, use, and transaction tax information from CDTFA.

RESOLUTION NO. 2020-024. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE AUTHORIZING EXAMINATION OF SALES, USE AND TRANSACTIONS TAX RECORDS.

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

PUBLIC HEARING:

Annual Assessment for Lighting District No. 1 and No. 2 for Fiscal Year 2020-2021. Finance Director Elms stated the Landscaping and Lighting Act requires the City Council to conduct annual proceedings in order to levy annual assessments withing the assessment districts formed under the act. The City Council previously adopted Resolution No.'s 2020-014 and 2020-015 declaring its intent to levy and collect assessments withing its Districts No. 1 and No. 2. Both Resolutions set this evening, June 9, 2020 at 6pm as the Public Hearing for hearing protests relating to the levy. At the hearing the Council must hear all oral and written statements, protests, objections or other communications made or filed with respect to the levy and collection of annual assessments relating to its Districts No.1 and No. 2 for FY 2020/21. Subsequent to the public hearing staff recommends Council adopt Resolution No's. 2020-018, 2020-019, 2020-020 and 2020-021.

The Public Hearing was opened. No public comment. City Clerk Crecelius stated no written comments or statements were received.

Mayor Reynolds made comment related to the deficit in the lighting district. If anyone has some ideas on how to get our money recuperated that would be great.

Councilman DeConinck moved approval of staff's recommendation. The motion was seconded by Councilman Rodriguez.

RESOLUTION NO. 2020-018. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE AMENDING AND/OR APPROVING THE REPORT OF THE ENGINEER REGARDING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY OF BLYTHE LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2020-2021.

RESOLUTION NO. 2020-020. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE CONFIRMING A DIAGRAM AND ASSESSMENTS, ORDERING THE IMPROVEMENTS AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN CITY OF BLYTHE LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2020-

2021 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE.

RESOLUTION NO. 2020-019. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE AMENDING AND/OR APPROVING THE REPORT OF THE ENGINEER REGARDING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY OF BLYTHE LIGHTING DISTRICT NO. 2 FOR FISCAL YEAR 2020-2021.

RESOLUTION NO. 2020-021. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE CONFIRMING A DIAGRAM AND ASSESSMENTS, ORDERING THE IMPROVEMENTS AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN CITY OF BLYTHE LIGHTING DISTRICT NO. 2 FOR FISCAL YEAR 2020-2021 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE.

Major Zoning Variance- Lina Escobedo. Interim City Manager Crecelius requested to continue this item to the July 14, 2020 City Council meeting.

CONTINUED BUSINESS:

Transient Occupancy Tax Payment Deferral Request. Interim City Manager Crecelius stated at the May meeting Council directed the hotel/motel owners to decide on a percentage for partial payments to be made during the shutdown. The owners were to work with staff on the amount of the partial payment to be made to be brought back to the June meeting for approval. As of today, staff has not received correspondence from the owners on a partial payment amount. It is staff's recommendation that Council apply a partial payment amount of no less than 25% of the monthly reporting in order to have penalties waived. As of today, all forms have been received for the month of February with 4 making partial payments. In March One did not report at all, one reported but did not make a payment and 3 made partial payments. In April one did not report, one reported but did not make a payment and one made a partial payment.

Public comment. James with Clarion Inn stated the majority think a partial payment of 25% is workable. Most of us are able to make a full payment as of June which is due in July. We are able to make full payments for June, July August etc. unless something happens. Please allow us to pay back what is owed by the end of this year.

Angie Patel stated we will start making full payments and would like to know when the back payments are due. We wish to make partial payments each month on the balance due.

Interim City Manager Crecelius stated at the last meeting, Council decided to continue with the interest due, but waive penalties. It sounds like they are requesting to have the penalties waived for the months of March, April and May with full payments resuming in June which is due by July 31st. They will have until December 31st to repay any outstanding amounts. This can always be re-addressed if the situation changes.

Councilman Halby asked that the hotel/motel owners let us know of any issues so that we can work with them if they are unable to pay.

Councilman DeConinck moved to waive penalties on returns for the months of March, April and May with the penalties waived the returns for those months were repaid by December 31, 2020. The motion was seconded by Councilman Halby with a unanimous aye vote.

NEW BUSINESS:

Cannabis Ordinance Amendment- Location of Cannabis Businesses. Interim City Manager Crecelius stated when the draft cannabis ordinance was presented in 2017 it did not include a 600ft radius around adult day care centers. The Council added that provision at the request of Sheltering Wings, an

adult day care facility operating two locations in the City. The State only requires a 600ft radius around Schools, Child Daycares and Youth Facilities. At its discretion, the City Council added Churches, Parks and Adult Day Care Facilities. The current Ordinance setting location restrictions has been in effect since late 2017. In May staff received a request from Sheltering Wings asking to amend the current Ordinance relating to the exclusion of Cannabis Manufacturing, Distribution, Testing and Cultivation businesses within a 600ft radius of adult day care centers. They would like the exclusion to remain in effect for dispensaries. This would enable the owners of the Kmart Building to use the site for cannabis, as well as provide a new home to Sheltering Wings as their current lease has not been renewed. The owners of the former Kmart have been interested in cannabis at that location but have been unable to utilize the site for that purpose due to the current Ordinance. As Sheltering Wings was the main reason for the current bubble around adult day care centers, staff has no issue with their request, or this Ordinance Amendment. It is recommended Council conduct the first reading of Ordinance No. 901-20 by title only, waiving further reading establishing the location of cannabis businesses except dispensaries.

Public comment. Mel Culp, President of Sheltering Wings thanked the Council for hearing our proposal. It is going to help us with the long-term sustainability of Sheltering Wings.

Councilman DeConinck asked if Sheltering Wings has this in cement, that if the Council passes this, they cannot back out on you. Mr., Culp reported absolutely.

Leslie Watkins thanked Council for their consideration. Mr. DeConinck your point is well taken and its part of our lease agreement with them. The provision is 15 years of a fee free lease. This will save our company and services we have been providing in the valley.

Vice Mayor Egan moved to conduct the first reading of Ordinance No. 901-20 by title only, waiving further reading. The motion was seconded by Councilman Rodriguez with a unanimous aye vote. City Clerk Crecelius read the title of the Ordinance into the record.

ORDINANCE NO. 901-20. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE AMENDING MUNICIPAL CODE SECTION 17.63E.40 ("LOCATION OF COMMERCIAL CANNABIS BUSINESSES- ALL TYPES OTHER THAN DISPENSARIES- CULTIVATION, MANUFACTURING, TESTING FACILITIES AND DISTRIBUTORS") OF CHAPTER 17.63E ("COMMERCIAL CANNABIS RELATED USES AND ACTIVITY") OF TITLE 17 ("ZONING") OF THE BLYTHE MUNICIPAL CODE.

Adopting FY 2020/21 Operating and Capital Budget. Finance Director Elms stated staff is presenting the City of Blythe's 2020/21 Operating and Capital Budget for Council's consideration and adoption. The full presentation was presented to Council and the public on May 19, 2020 in a Study Session. The combined budget for all City funds totals \$25.3 million. This includes the General Fund operating budget of \$10.3 million. The budget contains appropriations for City wide operating funds. Enterprise Funds make up the second overall largest component of the budget with the Water Fund budget at \$3.06 million and the Sewer Fund budget at \$3.22 million. Capital improvements proposed include Measure A street improvement projects, Miller Park improvements, Water valve and hydrant replacement, police vehicles and street equipment. The budget also includes grant funds to update the City's General Plan, ADA assessment plan funded by CDBG and a utility rate study. With the passing of Measure K, the budget includes funding for building abatement for blight clean up, fire communication upgrades and increased funding for streets. The budget as proposed is balanced with the exception of the Lighting Fund. Council and staff may revisit the budget throughout the year and make revisions, as necessary. It is recommended Council adopt Resolution No. 2020-022 adopting the City's Operating and Capital Budget for FY 2020/21.

No public comment. Vice Mayor Egan moved to adopt Resolution No. 2020-022. The motion was seconded by Councilman Egan with a unanimous aye vote.

RESOLUTION NO. 2020-022. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING THE FISCAL YEAR 2020-21 OPERATING AND CAPITAL BUDGET.

Certification of Election. Interim City Manager Crecelius stated the City of Blythe Special Municipal Election has been certified by the County Registrar of Voters. The Riverside County Statement of Vote reflects the number of ballots cast in the City, the Ballot Measure voted for, and the number of votes given. The results of said election have been reviewed by the City Clerk and determined that the election was held according to law and that the results are true and correct pursuant of E.C. 10263. Therefore, it is recommended that Council adopt Resolution No. 2020-025 reciting the fact of the Consolidated Primary Election held on May 5, 2020 declaring the results and such other matters pursuant to E.C. 10262.

No public comment. Vice Mayor Egan moved to adopt Resolution No. 2020-025. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

RESOLUTION NO. 2020-025. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA RECITING THE FACT OF THE SPECIAL ELECTION HELD ON TUESDAY, MAY 5, 2020, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

Calling the General Municipal Election- November 3, 2020. Interim City Manager Crecelius stated the City of Blythe is scheduled to have a General Municipal Election on Tuesday, November 3, 2020. The election will fill two seats on the City Council, currently held by Dale Reynolds and Eric Egan. It is the responsibility of the City Council to call the election. It is the City Clerk's responsibility to ensure the election is held by working with the County Registrar of Voters, who will conduct the election for the City. In order to comply with the regulations as set forth by the California Elections Code and the Riverside County Registrar of Voters' Office for conducting a General Municipal Election, the following Resolutions must be adopted and submitted to the Registrar of Voters by June 26, 2020: Resolution No. 2020-026. Calling for the holding of a General Municipal Election to be held on Tuesday, November 3, 2020 for the election of certain officers as required by the provisions of the laws of the State of California relative to general law cities, Resolution No. 2020-027 Requesting the Board of Supervisors of the County of Riverside to consolidate a General Municipal Election to be held on November 3, 2020 with the Statewide General Election to be held on that date pursuant to Section 10403 of the Elections Code, Resolution No. 2020-028. Adopting regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at an election to be held on November 3, 2020. The first day to file nomination papers and candidate statements is July 13, 2020. The deadline to file nomination papers and/or withdraw is August 7, 2020 at 4:00pm. If an incumbent has not filed nomination documents by August 7, 2020, the nomination period will be extended for persons other than the incumbent to August 12, 2020 at 4:00pm.

No public comment. Vice Mayor Egan moved approval of Resolution No.'s 2020-026, 2020-027 and 2020-028. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

RESOLUTION NO. 2020-026. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATIVE TO GENERAL LAW CITIES.

RESOLUTION NO. 2020-027. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

RESOLUTION NO. 2020-028. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES'

STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020.

Sewer Lift Repairs. Interim Public Works Director Ojeda stated staff is requesting approval of purchase orders to Rockwell Solutions in the amount of \$80,400.27 for new replacement pumps and electrical panels for the Hidden Beaches Sewer Lift #15, Condo Sewer Lift #2 and Public Works Sewer Lift #5. These parts are needed in order for the sewer lifts to run properly. All work will be done in house.

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

ORAL REPORTS:

Vice Mayor Egan made comment on the County's proposal to close the Animal Shelter and park unused aircraft at the Blythe Airport. There is a survey on facebook. Please sign it and let the County know we do not want our animal shelter to close and work with airport staff so this proposal does not affect their operations. Mayor Reynolds stated the Supervisor will now support us and oppose the closure of the animal shelter.

Chief Coe reported on the peaceful march held this past Saturday.

Mayor Reynolds reported on a COVID-19 testing site starting tomorrow at the Doris Morgan Community Center.

PUBLIC COMMENT:

Juan Ramirez made public comment on the Census.

Angie Patel made comment related to the County's proposal at the airport and how it will impact local businesses and the hotels.

Vijay Amin made comment on the Animal Shelter and Airport proposal. The Animal Shelter is by the freeway. If it becomes vacant, it will be taken over by homeless. It will be another boarded up building for people to see as they are driving down the freeway. The airport brings in \$1.5 million to our local economy. We cannot lose that money; we need to fight this. Councilman Rodriguez says we know what this will cost us and why we have been putting pressure on the County. We now have a meeting scheduled with the Supervisor.

Mike Schexnyder stated he owns the property on the corner of Intake and 95. I am trying to get it rezoned. I hired a local company to get the engineering. It should have been a 6 month process and has taken 2 years. For the past four months I have been told it would be on tonight's agenda. I can't seem to get anything done here.

ADJOURN: The City Council meeting was adjourned at 7:05pm.

Dale Reynolds, Mayor

ATTEST:

Mallory Crecelius, City Clerk