



**Brawley City Council &
Successor Agency to Brawley
Community Redevelopment Agency
Special Meeting Agenda
Tuesday, May 2, 2017 @ 5:00 PM
City Council Chambers
383 Main Street
Brawley, California 92227**

Sam Couchman, Mayor
Helen M. Noriega, Mayor Pro-Tempore
Norma Kastner-Jauregui, Council Member
George A. Nava, Council Member
Donald L. Wharton, Council Member

Alma Benavides, City Clerk
Ruby D. Walla, City Treasurer
William S. Smerdon, City Attorney
Rosanna Bayon Moore, City Manager/
Executive Director

CALL TO ORDER

ROLL CALL

INVOCATION Pastor Jim Doudu, Valley Baptist Church

PLEDGE OF ALLEGIANCE

1. APPROVAL OF AGENDA

2. PUBLIC APPEARANCES/COMMENTS (Not to exceed 4 minutes) this is the time for the public to address the Council **on any item not appearing on the agenda** that is within the subject matter jurisdiction of the City Council. The Mayor will recognize you and when you come to the microphone, please state your name for the record. You are not allowed to make personal attacks on individuals or make comments which are slanderous or which may invade an

individual's personal privacy. **Please direct your questions and comments to the City Council.**

- a. Introduction of Guillermo Sillas, City of Brawley Public Works Director / City Engineer by Rosanna Bayon Moore, City Manager
 - b. Proclamation Declaring May 2017 as Veterans Appreciation Month Presented to Johanna Caballero, State of California Employment Development Department, Local Veterans Employment Representative **Pg 4**
 - c. Brawley Chamber of Commerce Update by Katie Luna, Executive Director
- 3. CONSENT AGENDA** Items are approved by one motion. Council Members or members of the public may request consent items be considered separately at a time determined by the Mayor.
- a. Approve City Council Minutes: March 7, 2017 **Pgs 5-7**
 - b. Approve 2nd Reading of Ordinance No. 2017- : Ordinance of the City Council of the City of Brawley, California Changing Its Election Day to November of Even Numbered Years Commencing in 2020 And Requesting Approval by the County Board of Supervisors **Pgs 8-10**
 - c. Adopt Resolution No. 2017- : Resolution of the City Council of the City of Brawley Approving the Application for Bicycle and/or Pedestrian Funds Under the Transportation Development Act and Approving the Proposed Bicycle and/ or Pedestrian Plan **Pgs 11-12**
 - d. Adopt Resolution No. 2017- : Resolution of the City Council of the City of Brawley Approving the Article 8e Application for Bus Benches/Shelters Purposes Under the Transportation Development Act (SB 325), PUC 99400 **Pgs 13-14**
 - e. Adopt Resolution No. 2016- : Resolution of the City Council of the City of Brawley Approving the Article 8e Application for City of Brawley Transit Transfer Station Purposes Under the Transportation Development Act (SB 325), PUC 99400 **Pgs 15-16**
 - f. Discussion and Potential Action to Adopt Resolution No. 2017- : Resolution of the City Council of the City of Brawley, California Amending the Fiscal Year 2016/2017 City of Brawley Budget for the Fire Department in the Amount of \$58,014.55 **Pgs 17-19**

4. PUBLIC HEARINGS

- a. Appeal and Potential Override of Imperial County Airport Land Use Commission (ALUC) Finding of Inconsistency **Pgs 20-29**
- b. City of Brawley Zoning Ordinance Amendment – Site Plan Review **Pgs 30-39**

5. REGULAR BUSINESS

- a. Discussion and Potential Action re: Appointment of LAFCO Commissioner **Pg 40**
- b. Discussion and Potential Action re: 2015-2016 Annual and 5 year Report for Development Impact Fees per Government Code Sections 66001, 66006 and Capacity Fees per Government Code Section 66013 **Pgs 41-71**

6. FISCAL YEAR 2017/2018 ENTERPRISE & SPECIAL FUNDS WORKSHOP

- a. Presentation, Discussion and Direction

7. DEPARTMENTAL REPORTS

- a. Monthly Staffing Report for May, 2017 – Shirley Bonillas, Personnel & Risk Management Administrator **Pg 72**

8. CITY COUNCIL MEMBER REPORTS

9. CITY MANAGER REPORT

10. CITY ATTORNEY REPORT

11. CITY CLERK REPORT

12. CLOSED SESSION

ADJOURNMENT Next Special Meeting, **May 16, 2017 @ 5:00 PM**, City Council Chambers, 351 Main Street, Brawley, California. Supporting Documents are available for public review in the Office of the City Clerk, 383 Main Street, Brawley, California 92227 - Monday through Friday during Regular Business Hours; Individuals who require special accommodations are requested to give 48 hours prior notice. Contact: Office of the City Clerk @ 760-351-3080.

Alma Benavides, City Clerk



Proclamation
In Honor of Veterans Appreciation Month

WHEREAS, the people of Imperial Valley appreciate and admire the thousands of men and women who have served in the armed forces to protect and preserve our country and the freedoms enjoyed by all Americans; and

WHEREAS, in war, international conflicts and peacekeeping missions, men and women have been wounded, taken as prisoners and died in the line of duty; and

WHEREAS, veterans possess a wide variety of valuable qualities, including experience, maturity, leadership and loyalty, that make them ideal candidates for employment; and

WHEREAS, the City of Brawley is committed to ensuring that veterans receive the services and programs to which they are entitled, and to promoting employer interest in hiring veterans; and

WHEREAS, during Veterans Appreciation Month, state and local agencies increase employer awareness about the benefits of hiring veterans; and

NOW, THEREFORE, the City of Brawley does hereby proclaim May 2017, as "Veterans Appreciation Month in the City of Brawley".

*In Witness Whereof I have hereunto set my
Hand and caused the Seal of the City of Brawley
To be affixed on this 2nd day of May, 2017.*

Sam Couchman, Mayor

Alma Benavides, City Clerk

CITY OF BRAWLEY
March 7, 2017

The City Council of the City of Brawley, California met in a regular session at 6:00 PM, Council Chambers, 383 Main, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

The meeting was called to order by **Mayor Couchman @ 6:00 PM**

PRESENT: Couchman, Nava, Noriega, Wharton
ABSENT: Kastner-Jauregui

Invocation was offered by **Pastor Mike Neczuik, El Redentor Church**

Pledge of Allegiance was led by **CM Noriega**

1. APPROVAL OF AGENDA

The agenda was **approved** as submitted. m/s/c Noriega/Wharton 4-1 Kastner-Jauregui absent

2. PUBLIC APPEARANCES/COMMENTS

a. **Michael Crankshaw, Police Chief**, introduced newly hired Police Officers Dean Beckwith and Jon Dellinger.

3. CONSENT AGENDA Items are approved by one motion. Council Members or members of the public may request consent items be considered separately at a time determined by the Mayor.

The consent agenda was **approved** as submitted. m/s/c Nava/Noriega 4-1 Kastner-Jauregui absent

AYES: Couchman, Nava, Noriega, Wharton
NAYES: None
ABSENT: Kastner-Jauregui
ABSTAIN: None

a. **Approved** Accounts Payable: February 16, 2017
February 17, 2017

b. **Reject** Claim as Recommended by Carl Warren & Company Claims Management Adjusters for Claimants: Mary H. Ortiz.

c. **Authorize** Mayor to Execute Consent to Assignment Pertaining to the Assignment of the La Paloma Unit 1 Development Agreement from Bratton VII, LP to La Paloma Development, Inc.

d. **Adopt** Resolution No. 2017-11: Resolution of the City Council of the City of Brawley, California Amending the Fiscal Year 2016/2017 City of Brawley Budget for the City Manager in the Amount of \$10,000.

4. SPECIAL PRESENTATION

- a. **Jaime Silva**, Brawley Elementary School District Superintendent, presented a Power Point Presentation entitled Lighting the Way to the Future FOCUS.

5. REGULAR BUSINESS

- a. Discussion of Future Election Topics and Potential Action to Adopt Resolution No. 2017- : Resolution of the City Council of the City of Brawley, California re: Renewal of the Utility Users Tax in the City of Brawley.

CM Bayon Moore updated the City Council on election related topics and potential action with reference to the State law change of odd years to even years, Utility Users Tax and the two (2) City Council seats that have a term ending November of 2017.

6. DEPARTMENTAL REPORTS

- a. South Palm Avenue Update – James G. “Jack” Holt, Interim Public Works Director/City Engineer*
* A PowerPoint presentation is accessible and on file with the Office of the City Clerk.
- b. Nixle Presentation – Chuck Peraza, Fire Chief*
* A PowerPoint presentation is accessible and on file with the Office of the City Clerk.
- c. Monthly Staff Report for March, 2017 – Shirley Bonillas, Personnel & Risk Management Administrator
- d. Update on Park Restroom Facilities – Pat Dorsey, Parks & Recreation Director*
* A PowerPoint presentation is accessible and on file with the Office of the City Clerk.

7. INFORMATIONAL ITEMS

- a. Summary of Building Permits for January, 2017 – Francisco Soto, Building Official

8. CITY COUNCIL MEMBER REPORTS

- | | |
|-------------------|--|
| CM Noriega | Attended Mayor’s Breakfast and thanked the Chamber of Commerce for their efforts . Attended the swearing in of Brawley Police Officers. |
| CM Wharton | Attended State of the City Address, Chamber Mixer at DS Art Studio. Congratulated Brawley Union High basketball CIF champions, the wrestling team and girls soccer team for their achievements. |
| CM Nava | Attended Mayor’s Breakfast great event. Thanked staff and the Chamber for the event. Attended the Chamber Mixer, Pioneers Memorial Hospital/Rady’s Children Hospital Press Conference, Imperial County Transportation Commission Meeting. Noted that One World Beef is moving forward. |

Mayor Couchman

Attended Mayor's Breakfast, Chamber Mixer, Police Officer Swearing In, PMH Press Conference. Requested a Graffiti Report in the near future.

8. CITY MANAGER REPORT

- 1) Revisited the Budget Calendar for FY 2017/18
- 2) Announced that the State of California, specifically CalRECYCLE, has been in communication with the City regarding the City's commercial recycling obligations, specifically as it pertains to apartments. Their focus is the City's low number of documented recycling services currently in place. This is a topic that will be revisited in the near future.
- 3) Neighborhood House and Accion are working to address business license issues with jurisdictions throughout the Imperial Valley affecting cottage food distribution industries. The City will be participating in a future meeting regarding potential streamlining alternatives.

9. CITY ATTORNEY REPORT None to report

10. CITY CLERK REPORT None to report

11. CLOSED SESSION

POTENTIAL LITIGATION

- a. Conference with Legal Counsel Potential Litigation – One (1) Case (California Government Code §54956.9)

12. ADJOURNMENT @7:50pm

Alma Benavides, City Clerk

ORDINANCE NO. 2017-03

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA
CHANGING ITS ELECTION DAY TO NOVEMBER OF EVEN NUMBERED YEARS
COMMENCING IN 2020 AND REQUESTING APPROVAL BY THE COUNTY BOARD OF
SUPERVISORS.

THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA DOES ORDAIN AS
FOLLOWS:

ARTICLE I. PREAMBLE

1.1. Pursuant to California Elections Code Section 1301(b) the City Council may enact an ordinance requiring that its general municipal election be held on the same day as school district elections as set forth in California Elections Code Section 1302.

1.2. Commencing January 1, 2018, the California Voter Participation Rights Act ("Act"), commencing with Section 14050 of the Elections Code, prohibits a political subdivision such as a City from holding an election other than on a statewide election date, (i.e. "off-cycle") if holding an off-cycle election has previously resulted in voter turnout in the political subdivision being at least twenty five percent (25%) less than the average voter turnout within the political subdivision for the four previous statewide general elections.

1.3. In response to the Act, the Brawley Elementary School District has adopted a resolution pursuant to California Elections Code Section 1302 which, if approved by the County Board of Supervisors, would change its election day commencing in 2018 to even numbered years and consolidate its elections with the statewide election.

1.4. The Council recognizes that it is in the best interests of the residents of the City to economize whenever possible. The costs to the City for holding a general municipal election may be reduced significantly by consolidating the City's general municipal elections with the elections held by the Brawley Elementary School District.

1.5. Further, it is the intent and desire of the Council to promote voter participation and to comply with both the letter and the spirit of the Act.

1.6. However, there is a matter of pressing concern, namely the pending expiration of the City's Utility Users' Tax, which makes it imperative that the City's regularly scheduled general municipal election which will be held on the first Tuesday after the first Monday in November, 2017 take place as scheduled.

1.7. The Act requires that by January 1, 2018, the City adopt a plan to consolidate a future election with a statewide election not later than November 8, 2022.

ARTICLE II. CHANGE OF ELECTION DAY

2.1. The Council hereby changes its election day from the first Tuesday after the first Monday in November of each odd numbered year to the first Tuesday after the first Monday in November of each even numbered year in order to consolidate the City's general municipal election with the elections called by the Brawley Elementary School District, commencing in 2020.

2.2. The terms of the current City Council members not up for election in 2017 shall be extended as necessary, but no more than twelve months pursuant to California Elections Code Section 10403.5.

2.3. The general municipal election scheduled for November, 2017 shall be held on the first Tuesday following the first Monday of November, 2017 as normal.

ARTICLE III. TERMS OF OFFICE

3.1. The Council confirms that the terms of office for City Council Members is four years, unless it is necessary to reduce or extend the term of Council Members due to the adoption of an ordinance changing the date of the City's general municipal election.

3.2. The Council confirms that the term of office of the City Clerk is four years, unless it is necessary to reduce or extend the term of the City Clerk due to the adoption of an ordinance changing the date of the City's general municipal election.

3.3. The Council confirms that the term of office of the City Treasurer is four years, unless it is necessary to reduce or extend the term of the City Clerk due to the adoption of an ordinance changing the date of the City's general municipal election.

3.4. City Council Members, the City Clerk and the City Treasurer's respective terms end when their successor takes the oath of office.

ARTICLE IV. EFFECTIVE DATE

4.1. This ordinance shall become effective when it is approved by the County Board of Supervisors pursuant to California Elections Code Section 1301.

ARTICLE V. NOTICE TO VOTERS

5.1. Within 30 days after this ordinance becomes operative, the City Clerk shall cause a notice to be mailed to all registered voters informing the voters of the change of the election date. The notice shall also inform voters that as a result of the change in the election date, the terms of office of the effected elected City officeholders has changed.

APPROVED, PASSED AND ADOPTED at a special meeting of the City Council held on the 2nd day of May, 2017.

CITY OF BRAWLEY, CALIFORNIA

Sam Couchman, Mayor

ATTEST:

Alma Benavides, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)

1st Reading

I, **ALMA BENAVIDES**, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2017-03 was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 18th day of April, 2017 and that it was so adopted by the following roll call vote: m/s/c Noriega/Kastner-Jauregui 5-0

AYES: Couchman, Kastner-Jauregui, Nava, Noriega, Wharton
NAYES: None
ABSTAIN: None
ABSENT: None

DATED: April 18, 2017

Alma Benavides, City Clerk

2nd Reading & Adoption

I, **ALMA BENAVIDES**, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2017-03 was passed and adopted by the City Council of the City of Brawley, California, at a special meeting held on the 2nd day of May, 2017 and that it was so adopted by the following roll call vote:

AYES:
NAYES:
ABSTAIN:
ABSENT:

DATED: May 2, 2017

Alma Benavides, City Clerk

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date: May 2, 2017

City Manager:

RBM

PREPARED BY: Ruby D. Walla, Finance Director

PRESENTED BY: Ruby D. Walla, Finance Director

SUBJECT: Claim Forms for Local Transportation Fund (SB 325), Article 3, Bicycle/Pedestrian Project Fiscal Year 2016/2017

CITY MANAGER RECOMMENDATION: Designate Ruby D. Walla, Finance Director, as the City of Brawley's authorized signature and designated contact person to apply for funds allocated for Bicycle/Pedestrian Projects.

DISCUSSION: The Imperial County Transportation Commission adopted a Financing Plan for the 2016/2017 fiscal year. The adopted finance plan has allocated \$26,245 of SB 821 funds for Bicycle/Pedestrian Projects.

FISCAL IMPACT: \$26,245 in Revenue for Fund 213

ATTACHMENTS: City Council Resolution

RESOLUTION NO. 2017-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY,
CALIFORNIA, APPROVING THE APPLICATION FOR BICYCLE AND/
OR PEDESTRIAN FUNDS UNDER THE TRANSPORTATION DEVELOPMENT ACT
AND APPROVING THE ADOPTION OF ITS BICYCLE AND/OR PEDESTRIAN
PLAN.

WHEREAS, the Transportation Development Act provides that 2 percent of each County's total Local Transportation Fund be annually set aside and used to fund the development of bicycle and pedestrian facilities; and

WHEREAS, the City of Brawley has planned a bikeway system in conformance with the specifications of Caltrans' Planning and Design Criteria for Bikeways in California, and the Regional Transportation Plan; and

WHEREAS, the City of Brawley desires to construct this project within their City using the funds available under the Transportation Development Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRAWLEY DOES RESOLVE AS FOLLOWS:

1. To authorize the Finance Director as the City's authorized signature and designated contact person.
2. To apply for funds available to the City of Brawley allocated for Bikeways and Pedestrian facilities in the amount of **\$26,245**.

PASSED, APPROVED AND ADOPTED at a special meeting of the City Council held on the 2nd day of May, 2017.

CITY OF BRAWLEY, CALIFORNIA

Sam Couchman, Mayor

ATTEST:

Alma Benavides, City Clerk

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date: May 2, 2017

City Manager: 

PREPARED BY: Ruby D. Walla, Finance Director

PRESENTED BY: Ruby D. Walla, Finance Director

SUBJECT: Claim Forms for Local Transportation Fund (SB 325), Article 8e, Bus Benches/Shelters Fiscal Year 2016-17

CITY MANAGER RECOMMENDATION: Designate Ruby D. Walla, Finance Director, as the City of Brawley's authorized signature and designated contact person to apply for funds allocated for Bus Benches and Shelters.

DISCUSSION: The Transportation Development Act (SB 325) provides that each Transportation Planning Agency may allocate funds for specific transit purposes. The Financing Plan adopted by Imperial County Transportation Commission allocated \$11,177 for this project. The City of Brawley has recognized the need for maintenance of Bus Benches and Shelters.

FISCAL IMPACT: \$11,177 in Revenue for Bus Benches and Shelters

ATTACHMENTS: City Council Resolution

RESOLUTION NO. 2017-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, APPROVING THE ARTICLE 8e APPLICATION FOR BUS BENCHES/SHELTERS PURPOSES UNDER THE TRANSPORTATION DEVELOPMENT ACT (SB 325), PUC 99400.

WHEREAS, the Transportation Development Act (SB 325) provides that each Transportation Planning Agency may allocate funds to specific transit purposes; and

WHEREAS, the City of Brawley has recognized the need for maintenance of bus benches & shelters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRAWLEY DOES RESOLVE AS FOLLOWS:

1. To authorize the Finance Director as the City's authorized signature and designated contact person.
2. To apply for funds available to the City of Brawley allocated for bus benches and shelters in the amount of \$11,177.

PASSED, APPROVED AND ADOPTED at a special regular meeting of the City Council held on the 2nd day of May, 2017.

CITY OF BRAWLEY, CALIFORNIA

Sam Couchman, Mayor

ATTEST:

Alma Benavides, City Clerk

STATE OF CALIFORNIA}
COUNTY OF IMPERIAL}
CITY OF BRAWLEY}

I, ALMA BENAVIDES, City Clerk, City of Brawley, California, DO HEREBY CERTIFY that the foregoing Resolution No. was **passed and adopted** by the City Council of the City of Brawley, California, at a special meeting held on the 2nd day of May, 2017 and that it was so adopted by the following roll call vote:

AYES:
NAYES:
ABSTAIN:
ABSENT:

DATED: May 2, 2017

Alma Benavides, City Clerk

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date: May 2, 2017

City Manager: *RDW*

Prepared by: Ruby D. Walla, Finance Director

Presented by: Ruby D. Walla, Finance Director

SUBJECT: Claim Forms for Local Transportation Fund LTF (SB 325), Article 8e, Brawley Bus Transfer Terminal

CITY MANAGER RECOMMENDATION: Designate Ruby D. Walla, Finance Director, as the City of Brawley's authorized signature and designated contact person to apply for funds authorized by the Imperial County Transportation Commission (ICTC) for the Brawley Bus Transfer Terminal.

DISCUSSION: Additional Article 8e funding has been allocated by ICTC in the amount of \$50,000 for the 2016/17 fiscal year. The additional funds are to provide for the maintenance costs of the transit station.

An additional Article 8e claim and City Council approved resolution are required for the disbursement of the additional authorized funding.

FISCAL IMPACT: \$50,000 in additional funding for the Brawley Bus Transfer Terminal

ATTACHMENT: City Council Resolution

RESOLUTION NO. 2017-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY,
CALIFORNIA, APPROVING THE ARTICLE 8e APPLICATION FOR
BRAWLEY BUS TRANSFER TERMINAL PURPOSES UNDER THE TRANSPORTATION
DEVELOPMENT ACT (SB 325), PUC 99400.

WHEREAS, the Transportation Development Act (SB 325) provides that each Transportation Planning Agency may allocate funds to specific transit purposes; and

WHEREAS, the City of Brawley has recognized the need for funding for the Brawley Bus Transfer Terminal

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRAWLEY DOES RESOLVE AS FOLLOWS:

1. To authorize the Finance Director as the City's authorized signature and designated contact person.
2. To apply for funds available to the City of Brawley allocated for the Brawley Bus Transfer Terminal in the amount of **\$50,000**.

PASSED, APPROVED AND ADOPTED at a special meeting of the City Council held on the 2nd day of May, 2017.

CITY OF BRAWLEY, CALIFORNIA

Sam Couchman, Mayor

ATTEST:

Alma Benavides, City Clerk

STATE OF CALIFORNIA}
COUNTY OF IMPERIAL}
CITY OF BRAWLEY}

I, ALMA BENAVIDES, City Clerk, City of Brawley, California, DO HEREBY CERTIFY that the foregoing Resolution No. 2017-15 was **passed and adopted** by the City Council of the City of Brawley, California, at a special meeting held on the 2nd day of May, 2017 and that it was so adopted by the following roll call vote:

AYES:
NAYES: None
ABSTAIN: None
ABSENT: None

DATED: May 2, 2017

Alma Benavides, City Clerk

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date: May 2, 2017

City Manager:



PREPARED BY: Chuck Peraza, Fire Chief

PRESENTED BY: Chuck Peraza, Fire Chief

SUBJECT: Budget Adjustment for Unanticipated Revenue Reimbursement from the State of California

CITY MANAGER RECOMMENDATION: Approve Resolution No. 2017- : Resolution of the City Council of the City of Brawley, California Amending the Fiscal Year 2016/2017 City of Brawley Budget for the Fire Department in the amount of \$58,014.55.

DISCUSSION: Approval is requested to amend the budget for the Brawley Fire Department to reflect receipt of the reimbursement from the State of California for a mutual aid request to the "Soberanes Fire" in Monterey County, CA.

The Brawley Fire Department was deployed to Monterey County, CA for a strike team for a wildfire incident. A fire engine was sent with four firefighters for the days of July 26, 2016 through August 6, 2016. The State of California has reimbursed the City for the cost associated with salaries and the apparatus use in the amount of \$58,014.55.

This incident occurred during the Fiscal Year 2016-2017 budget. The sum of \$22,200.00 will be used to repay the overtime cost associated with this incident, \$200 will be applied to the fuel budget and \$1,465.94 will be reimburse the repair services budget line item.

FISCAL IMPACT: Reimbursement of \$58,014.55, which will be applied to costs incurred for staff overtime, fuel, repair and maintenance services. The remainder will be utilized for equipment replacement needs.

ATTACHMENTS: Copy of the State of California check; Resolution No. 2017- : Resolution of the City Council of the City of Brawley, CA Amending the Fiscal Year 2016/2017 City of Brawley Budget for the Fire Department in the Amount of \$58,014.55

DEPARTMENT NAME FORESTRY AND FIRE PROTECTION	ORG. CODE 3540	INVOICE DATE 01/15/17	INVOICE NUMBER DES SUBGRANER	RPI 58014 55
DEPARTMENT ADDRESS P O BOX 94246 SACRAMENTO CA 94244-2460	CLAIM SCHED. NO. 6078089			
VENDOR BRAWLEY FD 1505 JONES STREET BRAWLEY CA 93227				
PAYM INQUIRIES: 19161853-7334				
FEDERAL TAX ID NO. OR SSAN	RP TYPE	TAX YR	TOTAL REPORTED TO IRS	TOTAL PAYMENT 58014 55

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - VIEW AT AN ANGLE



STATE OF CALIFORNIA

WARRANT NUMBER

07-512209

H THE TREASURER OF THE STATE WILL PAY OUT OF THE IDENTIFICATION NO.

FUND NO. **0001** FUND NAME **GENERAL FUND**

MO. DAY YR. **03 27 2017**

90-13421211
07512209

TO: **512209
BRAWLEY FD**

DOLLARS	CENTS
***58014.55	

Betty T. Yee
BETTY T. YEE
 CALIFORNIA STATE CONTROLLER



FORM 09-08 (2-97) CONTROLLERS WARRANT

⑆121113423⑆ 075122091⑈

RESOLUTION NO. 2017-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BRAWLEY, CALIFORNIA AMENDING THE FISCAL YEAR
2016/2017 CITY OF BRAWLEY BUDGET.

Amendment No. 2017-06: Department: City Council

WHEREAS, Minute Order dated June 21, 2016 adopted the Fiscal Year 2016-2017 City of Brawley Budget and appropriated expenses on a cost center basis; and

WHEREAS, adjustments to the FY 2016-2017 General Fund Budget have been determined to be necessary.

THEREFORE, BE IT RESOLVED, that the FY 2016-2017 City of Brawley Budget is hereby amended as follows:

REVENUE

BUDGET NUMBERS	ACCOUNT NAME	INCREASE	DECREASE
101-221.000-440.310	State Reimbursement	\$ 58,014.55	
		TOTAL \$ 58,014.55	

EXPENDITURES

BUDGET NUMBERS	ACCOUNT NAME	INCREASE	DECREASE
101-221.000-700.300	Overtime	\$22,200.00	
101-221.000-725.300	Fuel	\$200.00	
101-221.000-740.100	Repair and Maint. services	\$1,465.94	
101-221.000-721.900	Small tools and equipment	\$34,148.61	
		TOTAL \$58,014.55	

REASON: The unbudgeted revenue is from a wildland fire in Monterey County, CA, referred to as the Soberanes Fire. This event occurred during the 2016-2017 fiscal year. The overtime, repairs and maintenance and fuel budgets are proposed for reimbursement. The remaining amount will be used to purchase needed fire equipment.

PASSED, APPROVED AND ADOPTED at a special meeting of the Brawley City Council held May 2, 2017.

CITY OF BRAWLEY, CALIFORNIA

Sam Couchman, Mayor

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date: 5/2/17

City Manager: 

PREPARED BY: Gordon R. Gaste, Planning Director, AICP, CEP

PRESENTED BY: Francisco Soto, Building Official
Gordon R. Gaste, Planning Director, AICP, CEP

SUBJECT: PUBLIC HEARING - City of Brawley Appeal and Potential Override of Imperial County Airport Land Use Commission (ALUC) Finding of Inconsistency

CITY MANAGER RECOMMENDATION: Review and adopt findings to override ALUC decision and direct staff to proceed with preparation of avigation easement.

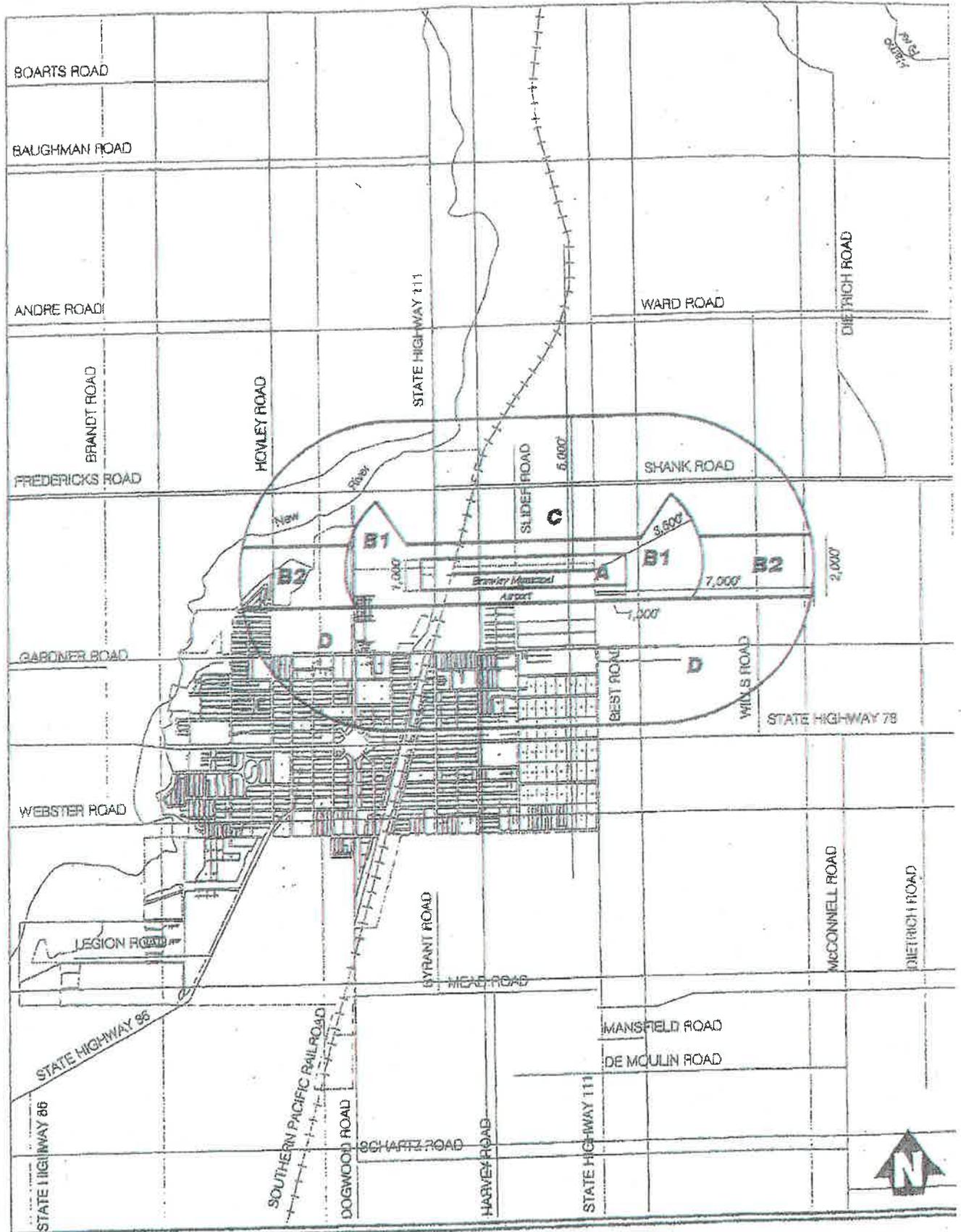
IMPERIAL COUNTY AIRPORT LAND USE COMMISSION RECOMMENDATION: Deny due to inconsistency with the Airport Land Use Plan.

DISCUSSION: The property owner of 4696 North 8th Street submitted a Building Permit to add a story to an existing structure. Because of the property's physical location and its proximity to the Brawley Municipal Airport, the proposed project was subject to review by the Imperial County Airport Land Use Commission (ALUC). The ALUC hearing took place on March 15, 2017. Although existing nearby structures and utility poles are actually greater in height than the project proponent's proposed height, the ALUC found the project inconsistent with the ALUC Plan.

Chapter 9 of the ALUC Plan allows a local jurisdiction to override the ALUC's decision with adequate findings. The project proponent is currently seeking such consideration. The project conforms to all City zoning statutes. If approved, staff recommends the property owner record an Avigation Easement on the property. This is standard for all properties located in the A and B zones of the ALUC Plan.

FISCAL IMPACT: N/A

ATTACHMENTS: Location Map; ALUC Plan City of Brawley Airport Zone Map, Tables and Override Section, Draft Avigation Easement



Compatibility Map
Brawley Municipal Airport

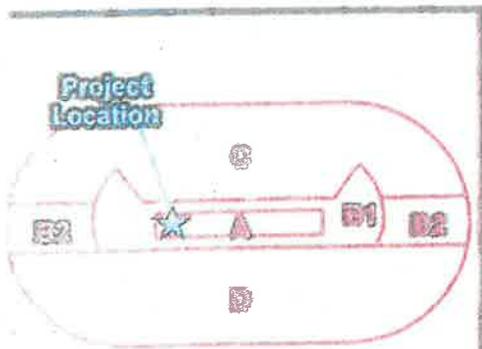
FIGURE 3A

airport land use compatibility plan

SHANK RD
STATE HWY 78



B1



-  Project Location
-  Airport Compatibility Zones
-  Roads

RUBIO ST
JONES ST
TRAIL ST

RIVER DR
ADLER DR
BINAST
NORTH PACIFIC AVE



IMPERIAL COUNTY AIRPORT LAND USE COMMISSION

ALUC #09-17

JOE ROTHFLEISCH



Table 2A

Compatibility Criteria

Imperial County Airport Land Use Compatibility Plan

Zone	Location	Impact Elements	Maximum Densities		Required Open Land ³
			Residential (dw/ac) ¹	Other Uses (people/ac) ²	
A	Runway Protection Zone or within Building Restriction Line	<ul style="list-style-type: none"> High risk High noise levels 	0	10	All Remaining
B1	Approach/Departure Zone and Adjacent to Runway	<ul style="list-style-type: none"> Substantial risk - aircraft commonly below 400 ft. AGL or within 1,000 ft. of runway Substantial noise 	0.1	100	30%
B2	Extended Approach/Departure Zone	<ul style="list-style-type: none"> Significant risk - aircraft commonly below 800 ft. AGL Significant noise 	1	100	30%
C	Common Traffic Pattern	<ul style="list-style-type: none"> Limited risk - aircraft at or below 1,000 ft. AGL Frequent noise intrusion 	6	200	15%
D	Other Airport Environs	<ul style="list-style-type: none"> Negligible risk Potential for annoyance from overflights 	No Limit	No Limit	No Requirement

Zone	Additional Criteria		Examples	
	Prohibited Uses	Other Development Conditions	Normally Acceptable Uses ⁴	Uses Not Normally Acceptable ⁵
A	<ul style="list-style-type: none"> All structures except ones with location set by aeronautical function Assemblages of people Objects exceeding FAR Part 77 height limits Hazards to flight⁶ 	<ul style="list-style-type: none"> Dedication of aviation easement 	<ul style="list-style-type: none"> Aircraft tiedown apron Pastures, field crops, vineyards Automobile parking 	<ul style="list-style-type: none"> Heavy poles, signs, large trees, etc.
B1 and B2	<ul style="list-style-type: none"> Schools, day care centers, libraries Hospitals, nursing homes Highly noise-sensitive uses Above ground storage Storage of highly flammable materials Hazards to flight⁶ 	<ul style="list-style-type: none"> Locate structures maximum distance from extended runway centerline Minimum NLR⁷ of 25 dBA in residential and office buildings Dedication of aviation easement 	<ul style="list-style-type: none"> Uses in Zone A Any agricultural use except ones attracting bird flocks Warehousing, truck terminals Single-story offices 	<ul style="list-style-type: none"> Residential subdivisions Intensive retail uses Intensive manufacturing or food processing uses Multiple story offices Hotels and motels
C	<ul style="list-style-type: none"> Schools Hospitals, nursing homes Hazards to flight⁶ 	<ul style="list-style-type: none"> Dedication of overflight easement for residential uses 	<ul style="list-style-type: none"> Uses in Zone B Parks, playgrounds Low-intensity retail, offices, etc. Low-intensity manufacturing, food processing Two-story motels 	<ul style="list-style-type: none"> Large shopping malls Theaters, auditoriums Large sports stadiums Hi-rise office buildings
D	<ul style="list-style-type: none"> Hazards to flight⁶ 	<ul style="list-style-type: none"> Deed notice required for residential development 	<ul style="list-style-type: none"> All except ones hazardous to flight 	

Table 2A Continued
Compatibility Criteria

Imperial County Airport Land Use Compatibility Plan

NOTES

- 1 Residential development should not contain more than the indicated number of dwelling units per gross acre. Clustering of units is encouraged as a means of meeting the Required Open Land requirements.
- 2 The land use should not attract more than the indicated number of people per acre at any time. This figure should include all individuals who may be on the property (a.g., employees, customers/visitors, etc.). These densities are intended as general planning guidelines to aid in determining the acceptability of proposed land uses.
- 3 See Policy 2.5.
- 4 These uses typically can be designed to meet the density requirements and other development conditions listed.
- 5 These uses typically do not meet the density and other development conditions listed. They should be allowed only if a major community objective is served by their location in this zone and no feasible alternative location exists.
- 6 See Policy 3.4
- 7 NLR = Noise Level Reduction; i.e., the attenuation of sound level from outside to inside provided by the structure.

BASIS FOR COMPATIBILITY ZONE BOUNDARIES

The following general guidelines are used in establishing the Compatibility Zone boundaries for each civilian airport depicted in Chapter 3. Modifications to the boundaries may be made to reflect specific local conditions such as existing roads, property lines, and land uses. Boundaries for NAP El Centro are modified in recognition of the differences between civilian and military aircraft characteristics and flight tracks.

- A The boundary of this zone for each airport is defined by the runway protection zones (formerly called runway clear zones) and the airfield building restriction lines.
 - Runway protection zone dimensions and locations are set in accordance with Federal Aviation Administration standards for the proposed future runway location, length, width, and approach type as indicated on an approved Airport Layout Plan. If no such plan exists, the existing runway location, length, width, and approach type are used.
 - The building restriction line location indicated on an approved Airport Layout Plan is used where such plans exist. For airports not having an approved Airport Layout Plan, the zone boundary is set at the following distance laterally from the runway centerline:

Visual runway for small airplanes	370 feet
Visual runway for large airplanes	500 feet
Nonprecision instrument runway for large airplanes	500 feet
Precision instrument runway	750 feet
- altitudes established by approach procedures are used. Zone B1 also includes areas within 1,000 feet laterally from the runway centerline.
- B1 The outer boundary of the Approach/Departure Zone is defined as the area where aircraft are commonly below 400 feet above ground level (AGL). For visual runways, this location encompasses the base leg of the traffic pattern as commonly flown. For instrument runways, the
- B2 The Extended Approach/Departure Zone includes areas where aircraft are commonly below 800 feet AGL on straight-in approach or straight-out departure. It applies to runways with more than 500 operations per year by large aircraft (over 12,500 pounds maximum gross takeoff weight) and/or runway ends with more than 10,000 total annual takeoffs.
- C The outer boundary of the Common Traffic Pattern Zone is defined as the area where aircraft are commonly below 1,000 feet AGL (i.e., the traffic pattern and pattern entry points). This area is considered to extend 5,000 feet laterally from the runway centerline and from 5,000 to 10,000 feet longitudinally from the end of the runway primary surface. The length depends upon the runway classification (visual versus instrument) and the type and volume of aircraft accommodated. For runways having an established traffic solely on one side, the shape of the zone is modified accordingly.
- D The outer boundary of the Other Airport Environs Zone conforms with the adopted Planning Area for each airport.

These distances allow structures up to approximately 35 feet height to remain below the airspace surfaces defined by Federal Aviation Regulations Part 77.

sm/Impcrit.

sound barrier (such as an earthen berm) can sometimes be constructed between the run-up area and the impacted land uses.

- **Other Facility Modifications** - At some airports, other physical changes to the runway configuration can hold prospects for reducing noise and/or safety impacts. Such facility modifications might include displacing or relocating a runway landing threshold or construction of a new runway to take traffic off a runway that produces more significant impacts.

- **Override Process** - Various sections of the Airport Land Use Commission statutes provide for local agencies to override ALUC decisions on land use matters and airport master plans. The override process involves three mandatory steps:

(1) The holding of a public hearing;

(2) The making of specific findings that the action proposed is consistent with the purposes of the ALUC statute; and,

(3) The City or County may override the Commission's determination of inconsistency by a 2/3 vote of its governing body.

The necessity for adequate findings to accompany a local agency's overriding of an ALUC was affirmed in a 1992 court case, *California Aviation Council v City of Ceres*. In this case the court found that the Ceres city council had merely referred to the ALUC statutes and then concluded that the proposed land uses minimized public exposure to excessive noise and safety hazards in the airport area. The findings did not document the critical links between the proposal, the finding, and the facts. (Chapter 5, 5-15, State ALUC Handbook, December 1993).

- **Airport Owner's Immunity**

With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676 or 21676.5 overrides a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to override the commission's action or recommendation.

am/lap-9Pfn.

Recording Requested by:

City of Brawley
400 Main Street
Brawley, CA 92227

When recorded mail to:

City of Brawley
400 Main Street
Brawley, CA 92227

AVIGATION EASEMENT AND RELEASE

_____, (hereinafter referred to as "Grantor"), hereby grants to the City of Brawley, State of California, (hereinafter referred to as "Grantee"), a perpetual easement on the following terms:

1. **Description:** The easement shall be an easement on, over, across, and upon all that certain real property situated in the incorporated area of the City of Brawley, County of Imperial, State of California, described as:

By this reference incorporated herein, and all the air space above said real property.

2. **Benefit:** The easement shall be appurtenant to and for the benefit of all of the real property comprising the Brawley Municipal Airport (hereinafter referred to as "Airport") and such other additional property or interest therein as shall be subsequently acquired or designated from time to time by Grantee or its successors as constituting a part of the Airport.

3. **Use and Purpose:** The easement shall be used for the existence on, over, upon, and within the described easement of all noise, vibration, air currents, natural or artificial illumination, and such matter, emissions, activities, or other events that may occur or result directly or indirectly from the operations of the Airport, now and in the future, including, but in no way limited to, ground and flight operations of aircraft at, over, on, or about the Airport. The easement shall also be used for the passage and flight of aircraft; provided, however, this easement shall not affect such rights for the passage and flight of aircraft as such rights existed prior to the date of the easement and as are now or may be provided or permitted by law.

4. **Restrictions on Use of Land:** Grantor will not use nor permit any use of the land described above, or any of the air space above it at any height whatever, for any purpose which will interfere with the use, operation, maintenance, and further development of the airport, and, in addition, will not use nor permit any use of such land and of any structures thereon for purposes which will create or result in a hazard of flight, such as, but not limited to, those which will (a) produce electrical interference with radio or other electronic communications, (b) make it difficult for pilots to distinguish between airport lights and other lights, (c) project glare into the eyes of pilots, (d) impair visibility in the vicinity of the Airport, or (e) otherwise endanger the landing, takeoff, and maneuvering of aircraft, or in any manner whatever adversely affect the accuracy of any

devices or apparatus used in the operation of, or to promote, safe landings and takeoffs from the Airport. Grantee shall, after thirty (30) days written notice to Grantor, have the right to come on the property herein described and correct the proper use, with right of passage over the land described above for those purposes.

5. **Liability:** All of such uses shall be without any liability of Grantee or of any other person or entitled to the benefits of this easement to Grantor, Grantor's heirs, assigns, or successors in interest to all or any part of the property or any interest therein, or to any other person or entity using or located on or in the area subject to the easement for damage to property or physical or emotional injury to persons, animals, or any other living thing the diminution in value or any personal or real property, discomfort or inconvenience of any type or kind to any person or thing, or interference with television, radio, or other types or kinds of electrical reception transmissions, or activities in the easement; and Grantor, for itself and on behalf of the Grantor's heirs, assigns, or successors in interest to all or any part of the property, or any interest therein and each person or entity using or located or in the area subject to this easement, hereby releases and discharges Grantee and all persons and entities to the benefits of the easement for all claims, demands, actions, and causes of action of all types or kinds, known or unknown, existing or which might be created hereafter by statute or case decision arising out of any of the foregoing described injuries or damages resulting from the use of this easement by Grantee any person or entity to the benefits of this easement. With respect to the foregoing release and discharge, Grantor specifically waives the provisions of Section 1542 of the California Civil Code which reads as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him might have materially affected his settlement with the debtor."

6. **Covenants Run With the Land:** All rights, easements, releases, benefits, and estates granted hereunder shall be covenants running with the land described above, of which land Grantor will be the servient tenement, and Grantee and the beneficiaries of such rights, easements, release, benefits, and estates shall be the dominant tenements.

7. **Scope:** This Agreement and conveyance shall bind the parties hereto, their heirs, administrators, executors, successors, and assigns, and each and every one of them as though specifically named herein, and is joined in by Grantee by the acceptance and recording thereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed this _____ day of _____, 2017.

'GRANTOR'

By: _____
(Name)

By: _____
(Name)

This is to certify that the interest in real property conveyed by the Avigation Easement and Release dated _____ from Grantor to the City of Brawley, a political corporation is hereby accepted by the undersigned officer on behalf of the City Council pursuant to authority conferred by resolution of the City Council adopted on _____, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated _____ By _____

Insert Name Here, City Manager
City of Brawley
State of California

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date: 5/2/17
City Manager: PBM

PREPARED BY: Gordon R. Gaste, Planning Director, AICP, CEP

PRESENTED BY: Gordon R. Gaste, Planning Director, AICP, CEP

SUBJECT: PUBLIC HEARING - City of Brawley Zoning Ordinance Amendment – Site Plan Review

CITY MANAGER RECOMMENDATION: Review and approve to clarify site plan review process.

PLANNING COMMISSION RECOMMENDATION: Approve as presented.

DISCUSSION: Per the recommendation of the City Attorney, an amendment to the City of Brawley Zoning Ordinance regarding Section 1 that governs the City's site plan review process is proposed. The amendment clarifies the purpose of the review process, the basis for approval of site plans submitted to the City and clarification of when the City is permitted to impose conditions of approval for review of a proposed site plan.

FISCAL IMPACT: N/A

ATTACHMENTS: Ordinance Section with changes in red; full Draft Ordinance; Planning Commission Minutes.

ORDINANCE NO. 2017-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA AMENDING
ORDINANCE NUMBER 2008-04 REGARDING THE SITE PLAN REVIEW PROCESS IN THE CITY
OF BRAWLEY.

The City Council of the City of Brawley ordains as follows:

Sec. 27.261. - Purpose.

(a) Site plan review is hereby established in order to provide a visual and factual document that may be used to determine and control the physical design or use of a lot or parcel of land, building or structures. Site plan review is required for all proposed new construction of residential, commercial, industrial, and other types of buildings, as well as proposed rehabilitation of these types of buildings, requiring the provision of twelve or more parking spaces to meet the requirements of article XI (Parking and Loading) of this zoning ordinance. A site plan consists of plans, drawings, diagrams and pictures indicating the land uses, and the architecture, forms, and dimensions of all buildings and structures.

(b) A site plan is, or may be, required in order to determine whether or not a proposed development will properly comply with the provisions and development standards prescribed in this zoning ordinance or as prescribed by the planning commission or city council. Further, a site plan is, or may be, required to determine whether or not a proposed development will have a material impact on City infrastructure, whether the infrastructure is situated on the site of the proposed development or is situated off of the site of the proposed development, but nevertheless would service the proposed development.

(c) Any person may also use a site plan to indicate his compliance, or plans and intentions to comply, with the regulations and standards prescribed in this zoning ordinance.

Sec. 27.262. - Submission of a site plan.

(a) Any use, development of land, structure, building or modification of standards for which a site plan has been requested by the planning commission or that is otherwise subject to a provision in this zoning ordinance requiring the submission of a site plan, shall not be established or constructed until such site plan has been approved by the planning director or planning commission as required by this zoning ordinance.

(b) The planning director and planning commission shall:

1. Require a site plan for all variance applications and conditional use permit applications that involve a change of use, or development of land and construction of buildings or structures; and

2. Require any supplemental information or material, including revised or corrected copies of any site plan or other document previously presented.

(c) The planning director shall prescribe the form and content of site plans and the information to be included either on the site plan itself or in a separate document.

Sec. 27.263. - Contents of application for site plan review.

An application for site plan review shall contain information and documents as required by the planning director.

Sec. 27.264. - Basis for approval of site plans.

Approval or disapproval of any site plan shall be based upon the following factors and principles:

1. Every use and development of land, buildings or structures shall be in compliance with the applicable provisions of this zoning ordinance.
2. Every use, and development of land, buildings or structures shall be considered on the basis of the suitability of the site for the particular use or development intended, and the total development shall be arranged so as to avoid traffic congestion, ensure the protection of the public health, safety and general welfare, prevent adverse impacts to neighboring property, minimize the adverse impact on existing City infrastructure, and shall be in conformity with all elements of the general plan.
3. Site plans submitted for specific plans (SPs) shall include complete side, front and rear elevations for all buildings and structures, and shall also include architectural renderings depicting color and type of exterior surfaces and roofs. The architectural character and style of the proposed buildings and structures shall be compatible with other land uses and structures in the immediate area.

Sec. 27.265. - Action upon site plans.

1. The planning director shall act upon all site plans that are not also the subject of a zone change, variance, or conditional use permit requiring planning commission approval. Planning director action does not require a public hearing, but does require the same methods of public notice as those described in section 27.241.
2. The planning commission shall act upon all site plans that are the subject of a zone change, variance, or conditional use permit requiring planning commission approval.
3. The planning director or planning commission shall either:
 - (a) Approve the submitted site plan;
 - (b) Approve the submitted site plan with conditions;
 - (c) Disapprove the submitted site plan.
4. The planning director and the planning commission shall have the discretion to impose conditions upon the approval of a site plan that are

reasonably calculated to mitigate traffic congestion, ensure the protection of the public health, safety and general welfare, prevent adverse impacts to neighboring property, minimize the adverse impact on existing City infrastructure, and/or insure that the proposed development is in conformity with all the elements of the general plan. Conditions may include the construction, repair or rehabilitation of City infrastructure on site or off site of the proposed development.

Sec. 27.266. - Notice of action taken on a site plan.

(a) The planning director shall notify the applicant of the action taken on a site plan by the director or planning commission.

(b) Said notification of action shall be by letter sent first class mail.

Sec. 27.267. - Expiration date of site plans.

A site plan which has not been vested within the time period specified in said permit, or if no time is specified, within two years after adoption of or the granting of said permit, whichever is greater, becomes null and void and of no effect except that the planning director may extend such expiration date upon written request for an additional period not to exceed six months.

Sec. 27.268. - Variances and conditional use permits not subject to separate site plan review.

Where a site plan is required in an application for a variance or conditional use permit, said site plan shall be considered a part of said application and shall not require separate approval under the provisions of this zoning ordinance.

ORDINANCE NO. 2017-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA,
AMENDING ORDINANCE NUMBER 2008-04 REGARDING THE SITE PLAN REVIEW
PROCESS IN THE CITY OF BRAWLEY.

THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, DOES ORDAINS AS
FOLLOWS:

City of Brawley Ordinance 2008-04 § 1, which is codified as Article XVIII of the Brawley Zoning Ordinance (Section 27.261, et seq.), is amended as follows:

Section 27.261 is amended to read as follows:

Sec. 27.261. - Purpose.

(a) Site plan review is hereby established in order to provide a visual and factual document that may be used to determine and control the physical design or use of a lot or parcel of land, building or structures. Site plan review is required for all proposed new construction of residential, commercial, industrial, and other types of buildings, as well as proposed rehabilitation of these types of buildings, requiring the provision of twelve or more parking spaces to meet the requirements of article XI (Parking and Loading) of this zoning ordinance. A site plan consists of plans, drawings, diagrams and pictures indicating the land uses, and the architecture, forms, and dimensions of all buildings and structures.

(b) A site plan is, or may be, required in order to determine whether or not a proposed development will properly comply with the provisions and development standards prescribed in this zoning ordinance or as prescribed by the planning commission or city council. Further, a site plan is, or may be, required to determine whether or not a proposed development will have a material impact on City infrastructure, whether the infrastructure is situated on the site of the proposed development or is situated off of the site of the proposed development, but nevertheless would service the proposed development.

(c) Any person may also use a site plan to indicate his compliance, or plans and intentions to comply, with the regulations and standards prescribed in this zoning ordinance.

Section 27.262 is amended to read as follows:

Sec. 27.262. - Submission of a site plan.

(a) Any use, development of land, structure, building or modification of standards for which a site plan has been requested by the planning commission or that is otherwise subject to a provision in this zoning ordinance requiring the submission of a site plan, shall not be established or constructed until such site plan has been approved by the planning director or planning commission as required by this zoning ordinance.

(b) The planning director and planning commission shall:

1. Require a site plan for all variance applications and conditional use permit applications that involve a change of use, or development of land and construction of buildings or structures; and
2. Require any supplemental information or material, including revised or corrected copies of any site plan or other document previously presented.

(c) The planning director shall prescribe the form and content of site plans and the information to be included either on the site plan itself or in a separate document.

Section 27.264 is amended to read as follows:

Sec. 27.264. - Basis for approval of site plans.

Approval or disapproval of any site plan shall be based upon the following factors and principles:

1. Every use and development of land, buildings or structures shall be in compliance with the applicable provisions of this zoning ordinance.
2. Every use, and development of land, buildings or structures shall be considered on the basis of the suitability of the site for the particular use or development intended, and the total development shall be arranged so as to avoid traffic congestion, ensure the protection of the public health, safety and general welfare, prevent adverse impacts to neighboring property, minimize the adverse impact on existing City infrastructure, and shall be in conformity with all elements of the general plan.
3. Site plans submitted for specific plans (SPs) shall include complete side, front and rear elevations for all buildings and structures, and shall also include architectural renderings depicting color and type of exterior surfaces and roofs. The architectural character and style of the proposed buildings and structures shall be compatible with other land uses and structures in the immediate area.

Section 27.265 is amended to read as follows:

Sec. 27.265. - Action upon site plans.

1. The planning director shall act upon all site plans that are not also the subject of a zone change, variance, or conditional use permit requiring planning commission approval. Planning director action does not require a public hearing, but does require the same methods of public notice as those described in section 27.241.

2. The planning commission shall act upon all site plans that are the subject of a zone change, variance, or conditional use permit requiring planning commission approval.
3. The planning director or planning commission shall either:
 - (a) Approve the submitted site plan;
 - (b) Approve the submitted site plan with conditions;
 - (c) Disapprove the submitted site plan.
4. The planning director and the planning commission shall have the discretion to impose conditions upon the approval of a site plan that are reasonably calculated to mitigate traffic congestion, ensure the protection of the public health, safety and general welfare, prevent adverse impacts to neighboring property, minimize the adverse impact on existing City infrastructure, and/or insure that the proposed development is in conformity with all the elements of the general plan. Conditions may include the construction, repair or rehabilitation of City infrastructure on site or off site of the proposed development.

The remainder of Brawley Ordinance 2008-04§1 shall remain in full force and effect in its current form.

Effective Date. This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in the Imperial Valley Press, a newspaper of general circulation, printed and published in the County of Imperial, State of California, together with the names of the members of the City Council voting for and against the same.

APPROVED, PASSED AND ADOPTED at a regular meeting of the City Council held on the 16th day of May, 2017.

CITY OF BRAWLEY, CALIFORNIA

Sam Couchman, Mayor

ATTEST:

Alma Benavides, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)

1st Reading

I, **ALMA BENAVIDES**, City Clerk of the City of Brawley, California, DO
HEREBY CERTIFY that the foregoing Ordinance No. 2017- was passed and adopted
by the City Council of the City of Brawley, California, at a special meeting
held on the 2nd day of May, 2017 and that it was so adopted by the following
roll call vote:

AYES:
NAYES:
ABSTAIN:
ABSENT:

DATED: May 2, 2017

Alma Benavides, City Clerk

2nd Reading & Adoption

I, **ALMA BENAVIDES**, City Clerk of the City of Brawley, California, DO
HEREBY CERTIFY that the foregoing Ordinance No. 2017-02 was passed and
adopted by the City Council of the City of Brawley, California, at a special
meeting held on the 16th day of May, 2017 and that it was so adopted by the
following roll call vote:

AYES:
NAYES:
ABSTAIN:
ABSENT:

DATED: May 16, 2017

Alma Benavides, City Clerk

CITY OF BRAWLEY
March 1, 2017

The Planning Commission of the City of Brawley, California, met in Regular Session at 5:30 p.m., City Council Chambers, 383 Main Street, Brawley, California, the date, time, and place duly established for the holding said meeting. The City Clerk attests to the posting of the agenda pursuant to the G.C.54954.

1. CALL TO ORDER/ROLL CALL

The meeting was called to order by **Chairman Palacio** @ 5:30pm

PRESENT: Palacio, Hutchinson, Bumbera, Marquez, Castro, Goyal
ABSENT: Smith

2. APPROVAL OF AGENDA

The agenda was **approved** as submitted. m/s/c Hutchinson/Castro 6-0 Smith absent

3. APPROVAL OF MINUTES

The minutes of February 1, 2017 were **approved** as submitted. m/s/c Hutchinson/Castro 6-0

4. PUBLIC APPEARANCES There was none

5. PUBLIC HEARING

An amendment to the City of Brawley Zoning Ordinance regarding Section 1 that governs the City's site plan review process. The amendment clarifies the purpose of the review process, the basis for approval of site plans submitted to the City and clarification of when the City is permitted to impose conditions of approval for review of a proposed site plan.

Planning Director, Gordon Gaste informed the Planning Commissioners that the amendment to the ordinance regarding the site plan review process and legal verbage within the ordinance, was recommended by the City Attorney. The amendment is for specifying purposes in regards to projects and conditions.

OPEN PUBLIC HEARING @ 5:34PM

There was no public comment

CLOSED PUBLIC HEARING @ 5:40PM

The Planning Commission **approved** the amendment to the City of Brawley Zoning Ordinance regarding Section 1 that governs the City's site plan review process. m/s/c Goyal/Marquez 6-0

6. ZONING CODE ENFORCEMENT

Building Official, Frank Soto provided a document outlining all the zoning code enforcement items the Community Development Department dealt with during the month of February.

*Please refer to attached document.

7. NEXT MEETING DATE

The Planning Commission **adjourned** to April 5, 2017.

8. ADJOURNMENT @ 6:00pm

Lisa Tylenda, Planning Technician

March 30, 2017

Clerk to the City Select Committee
940 Main Street, Suite 209
El Centro, CA 92243

SUBJECT: Appointment of LAFCO Commissioner

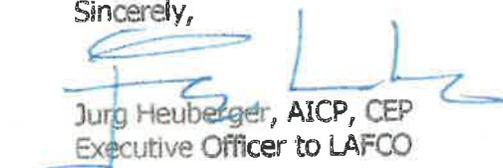
Dear Committee:

The Local Agency Formation Commission requests your Committee, pursuant to the Cortese-Knox-Herzberg Reorganization Act, appoint one member to the LAFCO.

Mr. Jason Jackson was appointed to LAFCO as one of the two city members on July 3, 2013 for a term of four years. His term will expire on July 3, 2017 and therefore you need to re-appoint or appoint a Council Person to his position.

If you have any questions, please feel free to call me.

Sincerely,



Jurg Heuberger, AICP, CEP
Executive Officer to LAFCO

CC: City of Brawley
City of Calexico
City of Calipatria
City of El Centro
City of Holtville
City of Imperial
City of Westmorland

Files: 50.000, 50.001, 50.002, 50.003, 50.004, 50.005, 50.006, 50.007, 50.018, 50.020

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date: 05/02/2017

City Manager: 

PREPARED BY: Ruby D. Walla, Finance Director

PRESENTED BY: Ruby D. Walla, Finance Director

SUBJECT: 2015-2016 Annual and 5-Year Report for City of Brawley Development Impact Fees and Capacity Fees

CITY MANAGER RECOMMENDATION: Review and accept the report prepared as having satisfied Government Code Sections 66001, 66006 and 66013 as presented.

DISCUSSION: Per Section 66006(b) of the Government Code, for each Impact Fee the City shall, within 180 days after the last day of each fiscal year, make available to the public the following information:

- A brief description of the type of fee in the account or fund.
- The amount of the fee.
- The beginning and ending balance of the account or fund.
- The amount of the fees collected and interest earned.
- An identification of each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement.
- A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- The amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of funds made due to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

Per Section 66013(d) of the Government Code, for each Impact Fee the City shall, within 180 days after the last day of each fiscal year, make available to the public the following information:

- A description of the charges deposited in the fund.
- The beginning and ending balance of the fund and the interest earned from investment of moneys in the fund.
- The amount of charges collected in that fiscal year.

- An identification of all of the following:
 - Each public improvement on which charges were expended and the amount of the expenditure for each improvement, including the percentage of the total cost of the public improvement that was funded with those charges if more than one source of funding was used.
 - Each public improvement on which charges were expended that was completed during that fiscal year.
 - Each public improvement that is anticipated to be undertaken in the following fiscal year.
- A description of each interfund transfer or loan made from the capital facilities fund. The information provided, in the case of an interfund transfer, shall identify the public improvements on which the transferred moneys are, or will be, expended. The information, in the case of an interfund loan, shall include the date on which the loan will be repaid, and the rate of interest that the fund will receive on the loan.

Stated below are the Development Impact Fee Balances as of June 30, 2016. Please refer to Appendix A for the summary of Incomplete Projects to be funded in whole or partially by Development Impact Fees and Capacity Fees.

Fund	Fees on hand as of 6/30/2016	Cost of Future Projects
General Government Facilities	\$65,651	\$1,140,000
Library Facilities	\$85,345	\$4,278,335
Parks and Recreation Facilities	\$161,231	\$3,451,855
Police Facilities	\$81,268	\$650,500
Fire Facilities	\$26,958	\$8,311,000
Animal Control Facilities	\$6,281	\$1,000,000
Transportation Facilities	\$910,573	\$3,256,000
Storm Water Facilities	\$16,698	\$250,000

The attached report provides all the required elements and details regarding balance, fees collected, and project expenditures. The purpose of the applicable legal requirements under the Mitigation Fee Act, as it applies to findings and compliance reporting, is to provide the community with information as to the status and use of impact fees collected. The report presented meets the requirements for the fiscal years ending June 30, 2016.

This is the required annual report per the Mitigation Fee Act. The next 5-year report per §66001 will be presented December of 2020 for the next 5-year period July 1, 2015 through June 30, 2020.

In addition, per Section 66006(2), the City is required to review and accept the report not less than 15 days after the information has been made available to the public for review. Notice requires a 15 day notice prior to the regularly scheduled meeting. All proper notifications have been extended and comments have been received. Notifications were provided to So. California Gas Company and the Desert Valley Builders Association (DVBA).

Desert Valley Builders Association submitted comments via email on Monday, March 27, 2017. In a separate attachment, responses have been prepared for the comments submitted.

FISCAL IMPACT: None.

ATTACHMENTS: City of Brawley – Government Code §66001, 66006, 66013
2015-2016 Annual and Five-Year Report
Desert Valley Builders Association Comment Letter
City of Brawley Response

DAVID
TAUSSIG
& *Associates, Inc.*



CITY OF BRAWLEY

GOVERNMENT CODE §66001, 66006, 66013

ANNUAL AND FIVE-YEAR REPORTS

FISCAL YEAR 2015-2016

Public Finance
Facilities Planning
Urban Economics

February 22, 2017

Newport Beach
Riverside
San Francisco
San Jose
Dallas

**GOVERNMENT CODE §66001, 66006, 66013
ANNUAL AND FIVE-YEAR REPORTS
FISCAL YEAR 2015-2016**

Prepared for

CITY OF BRAWLEY
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APPENDICES

Appendix A: Summary of Incomplete Projects

I. INTRODUCTION

Sections 66001, 66006, and 66013 of the Government Code provide that the City of Brawley ("City") shall make available to the public certain information and adopt described findings relative to development impact fees ("Impact Fees") and capacity charges ("Capacity Charges") collected pursuant to Section 66000 *et seq.* of the Government Code. The described information and findings relate to Impact Fees and Capacity Charges received, expended or to be expended in connection with public facilities to accommodate new development.

Section 66006(b) of the Government Code requires that for each Impact Fee the City shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:

- A brief description of the type of fee in the account or fund.
- The amount of the fee.
- The beginning and ending balance of the account or fund.
- The amount of the fees collected and interest earned.
- An identification of each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement.
- A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- The amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of funds made due to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

Section 66013(d) of the Government Code requires that for each Capacity Charge the City shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:

- A description of the charges deposited in the fund.
- The beginning and ending balance of the fund and the interest earned from investment of moneys in the fund.
- The amount of charges collected in that fiscal year.
- An identification of all of the following:
 - Each public improvement on which charges were expended and the amount of the expenditure for each improvement, including the percentage of the total cost of the public improvement that was funded with those charges if more than one source of funding was used.
 - Each public improvement on which charges were expended that was completed during that fiscal year.
 - Each public improvement that is anticipated to be undertaken in the following fiscal year.
- A description of each interfund transfer or loan made from the capital facilities fund. The information provided, in the case of an interfund transfer, shall identify the public improvements on which the transferred moneys are, or will be, expended. The information, in the case of an interfund loan, shall include the date on which the loan will be repaid, and the rate of interest that the fund will receive on the loan.

Section 66001(d) of the Government Code requires that for each Impact Fee, the City shall make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put.
- Demonstrate a reasonable relationship between the fee and purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

The Impact Fees of the City for fiscal year 2015-2016 finance the following facilities:

1. General Government Facilities
2. Library Facilities
3. Parks and Recreation Facilities
4. Police Facilities
5. Fire Facilities
6. Animal Control Facilities
7. Transportation Facilities
8. Storm Water Facilities

The Capacity Charges of the City for fiscal year 2015-2016 finance the following facilities:

1. Water Capacity
2. Wastewater Capacity

Both the Impact Fees and Capacity Charges were originally adopted by Ordinance No. 90-06 on April 16, 1990 (the "Ordinance"). The dollar amounts of the fees are adopted by resolution. The Impact Fees were last updated by Resolution No. 2011-08 on February 22, 2011. The Capacity Charges effective April 25, 2011 through April 24, 2016 were adopted by Resolution No. 2011-07 on February 22, 2011.

The following Annual Report for fiscal year 2015-2016 and Five-Year Report for fiscal year 2015-2016 include the information and proposed findings the City intends to review and adopt in accordance with Sections 66001, 66006, and 66013 of the Government Code.

II. FISCAL YEAR 2015-2016 ANNUAL REPORT

A. General Government Facilities

1. Description of the type of Impact Fees in the account or sub-account(s) of the City.

The General Government Services Facilities includes those facilities used by the City to provide basic governmental services and public facilities maintenance services, exclusive of public safety.

2. Amount of the Impact Fees.

**Table A-1
General Government Facilities Fee by Land Use**

Land Use	Fee Amount
Single Family	\$180.18 per unit
Multi-Family	\$135.30 per unit
Commercial	\$189.09 per 1,000 bldg sq. ft.
Industrial	\$48.51 per 1,000 bldg sq. ft.

3. Beginning and ending balance of account and sub-account(s).

**Table A-2
Fiscal Year 2015-2016
Beginning and Ending Fund Balances**

Item	Amount
Beginning Fund Balance (7/1/2015)	\$52,074
Ending Fund Balance (6/30/2016)	\$65,651

4. Amount of the Impact Fees collected and interest earned.

**Table A-3
Fiscal Year 2015-2016
Impact Fees Collected and Interest Earned**

Item	Amount
Fee Revenues	\$13,211
Interest Income	\$366
Total	\$13,577

5. Identification of each improvement on which Impact Fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the City that was funded with Impact Fees.

No projects were funded by the General Government Facilities Fees in fiscal year 2015-2016.

6. Identification of an approximate date by which the construction of project(s) of the City will commence if the City determines that sufficient funds have been collected to complete financing on an incomplete project of the City, as identified in paragraph (2) of subdivision (A) of Section 66001, and the project of the City remains incomplete.

The City's currently incomplete general government facilities projects and their approximate commencement dates are shown in Appendix A. The City has determined that it has or will obtain sufficient funds to finance such projects.

7. Description of each interfund transfer or loan made from the account or sub-account(s), including project(s) of the City on which the transferred or loaned Impact Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of Interest that the account or sub-account(s) will receive on the loan.

No transfers or loans were made from the General Government Facilities Fee Account in fiscal year 2015-2016.

8. The amount of refunds made or revenues allocated for other purposes if the administrative costs of refunding unexpended revenues exceed the amount to be refunded.

No refunds were made from the General Government Facilities Fee Account in fiscal year 2015-2016.

B. Library Facilities

1. Description of the type of Impact Fees in the account or sub-account(s) of the City.

The Library Facilities will serve the residents of Brawley by promoting literacy and learning, as well as, providing an improved quality of life. The Library Facilities fee finances the expansion of existing library facilities and the acquisition of new library volumes.

2. Amount of the Impact Fees.

**Table B-1
Library Facilities Fee by Land Use**

Land Use	Fee Amount
Single Family	\$281.82 per unit
Multi-Family	\$211.53 per unit
Commercial	NA
Industrial	NA

3. Beginning and ending balance of account and sub-account(s).

Table B-2
Fiscal Year 2015-2016
Beginning and Ending Fund Balances

Item	Amount
Beginning Fund Balance (7/1/2015)	\$79,691
Ending Fund Balance (6/30/2016)	\$85,345

4. Amount of the Impact Fees collected and interest earned.

Table B-3
Fiscal Year 2015-2016
Impact Fees Collected and Interest Earned

Item	Amount
Fee Revenues	\$19,932
Interest Income	\$523
Total	\$20,456

5. Identification of each improvement on which Impact Fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the City that was funded with Impact Fees.

Table B-4
Fiscal Year 2015-2016
Library Facilities Fee Expenditures

Project	Amount	Percentage of Project Funded by Fees
Books and Subscriptions	\$14,802	100%
Total	\$14,802	NA

6. Identification of an approximate date by which the construction of project(s) of the City will commence if the City determines that sufficient funds have been collected to complete financing on an incomplete project of the City, as identified in paragraph (2) of subdivision (A) of Section 66001, and the project of the City remains incomplete.

The City's currently incomplete library facilities projects and their approximate commencement dates are shown in Appendix A. The City has determined that it has or will obtain sufficient funds to finance such projects.

7. Description of each interfund transfer or loan made from the account or sub-account(s), including project(s) of the City on which the transferred or loaned Impact Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of Interest that the account or sub-account(s) will receive on the loan.

No transfers or loans were made from the Library Facilities Fee Account in fiscal year 2015-2016.

8. The amount of refunds made or revenues allocated for other purposes if the administrative costs of refunding unexpended revenues exceed the amount to be refunded.

No refunds were made from the Library Facilities Fee Account in fiscal year 2015-2016.

C. Parks and Recreation Facilities

1. Description of the type of Impact Fees in the account or sub-account(s) of the City.

The Parks and Recreation Facilities will serve the residents of Brawley by providing facilities for recreation while enhancing the community's appeal and quality of life. The Parks and Recreation Facilities fee finances the acquisition of new park facilities to serve new residential development through build out.

2. Amount of the Impact Fees.

**Table C-1
Parks and Recreation Facilities Fee by Land Use**

Land Use	Fee Amount
Single Family	\$1,096.26 per unit
Multi-Family	\$822.03 per unit
Commercial	NA
Industrial	NA

3. Beginning and ending balance of account and sub-account(s).

**Table C-2
Fiscal Year 2015-2016
Beginning and Ending Fund Balances**

Item	Amount
Beginning Fund Balance (7/1/2015)	\$95,463
Ending Fund Balance (6/30/2016)	\$161,231

4. Amount of the Impact Fees collected and interest earned.

**Table C-3
Fiscal Year 2015-2016
Impact Fees Collected and Interest Earned**

Item	Amount
Fee Revenues	\$78,525
Interest Income	\$730
Total	\$79,255

5. Identification of each improvement on which Impact Fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the City that was funded with Impact Fees.

Table C-4
Fiscal Year 2015-2016
Parks and Recreation Facilities Fee Expenditures

Project	Amount	Percentage of Project Funded by Fees
Meserve Park Improvements	\$13,487	100%
Total	\$13,487	NA

6. Identification of an approximate date by which the construction of project(s) of the City will commence if the City determines that sufficient funds have been collected to complete financing on an incomplete project of the City, as identified in paragraph (2) of subdivision (A) of Section 66001, and the project of the City remains incomplete.

The City's currently incomplete parks and recreation facilities projects and their approximate commencement dates are shown in Appendix A. The City has determined that it has or will obtain sufficient funds to finance such projects.

7. Description of each interfund transfer or loan made from the account or sub-account(s), including project(s) of the City on which the transferred or loaned Impact Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or sub-account(s) will receive on the loan.

No transfers or loans were made from the Parks and Recreation Facilities Fee Account in fiscal year 2015-2016.

8. The amount of refunds made or revenues allocated for other purposes if the administrative costs of refunding unexpended revenues exceed the amount to be refunded.

No refunds were made from the Parks and Recreation Facilities Fee Account in fiscal year 2015-2016.

D. Police Facilities

1. Description of the type of Impact Fees in the account or sub-account(s) of the City.

The Police Facilities includes those facilities used by the City. In order to serve new development through build out, the City identified the need for one additional police station, one police substation, police vehicles, communication center and equipment, and police equipment.

2. Amount of the Impact Fees.

**Table D-1
Police Facilities Fee by Land Use**

Land Use	Fee Amount
Single Family	\$239.25 per unit
Multi-Family	\$179.52 per unit
Commercial	\$251.13 per 1,000 bldg sq. ft.
Industrial	\$64.35 per 1,000 bldg sq. ft.

3. Beginning and ending balance of account and sub-account(s).

**Table D-2
Fiscal Year 2015-2016
Beginning and Ending Fund Balances**

Item	Amount
Beginning Fund Balance (7/1/2015)	\$75,882
Ending Fund Balance (6/30/2016)	\$81,268

4. Amount of the Impact Fees collected and interest earned.

**Table D-3
Fiscal Year 2015-2016
Impact Fees Collected and Interest Earned**

Item	Amount
Fee Revenues	\$17,715
Interest Income	\$500
Total	\$18,215

5. Identification of each improvement on which Impact Fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the City that was funded with Impact Fees.

**Table D-4
Fiscal Year 2015-2016
Police Facilities Fee Expenditures**

Project	Amount	Percentage of Project Funded by Fees
Installation of Police Equipment	\$12,829	100%
Total	\$12,829	NA

6. Identification of an approximate date by which the construction of project(s) of the City will commence if the City determines that sufficient funds have been collected to

complete financing on an incomplete project of the City, as identified in paragraph (2) of subdivision (A) of Section 66001, and the project of the City remains incomplete.

The City's currently incomplete police facilities projects and their approximate commencement dates are shown in Appendix A. The City has determined that it has or will obtain sufficient funds to finance such projects.

7. Description of each interfund transfer or loan made from the account or sub-account(s), including project(s) of the City on which the transferred or loaned Impact Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of Interest that the account or sub-account(s) will receive on the loan.

No transfers or loans were made from the Police Facilities Fee Account in fiscal year 2015-2016.

8. The amount of refunds made or revenues allocated for other purposes if the administrative costs of refunding unexpended revenues exceed the amount to be refunded.

No refunds were made from the Police Facilities Fee Account in fiscal year 2015-2016.

E. Fire Facilities

1. Description of the type of Impact Fees in the account or sub-account(s) of the City.

The Fire Facilities includes those facilities used by the City to protect life and property. The City identifies the need for additional fire protection facilities, equipment, and fire fighters as build out of the community occurs. In order to serve new development through build out in Brawley, the City identified the need for one new fire station, one new fire substation, and fire vehicles.

2. Amount of the Impact Fees.

**Table E-1
Fire Facilities Fee by Land Use**

Land Use	Fee Amount
Single Family	\$224.40 per unit
Multi-Family	\$168.30 per unit
Commercial	\$235.29 per 1,000 bldg sq. ft.
Industrial	\$60.39 per 1,000 bldg sq. ft.

3. Beginning and ending balance of account and sub-account(s).

**Table E-2
Fiscal Year 2015-2016
Beginning and Ending Fund Balances**

Item	Amount
Beginning Fund Balance (7/1/2015)	\$32,834
Ending Fund Balance (6/30/2016)	\$26,958

- Amount of the Impact Fees collected and interest earned.

Table E-3
Fiscal Year 2015-2016
Impact Fees Collected and Interest Earned

Item	Amount
Fee Revenues	\$16,478
Interest Income	\$179
Total	\$16,657

- Identification of each improvement on which Impact Fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the City that was funded with Impact Fees.

Table E-4
Fiscal Year 2015-2016
Fire Facilities Fee Expenditures

Project	Amount	Percentage of Project Funded by Fees
Installation of Fire Station Windows & Door	\$22,532	34%
Total	\$22,532	NA

- Identification of an approximate date by which the construction of project(s) of the City will commence if the City determines that sufficient funds have been collected to complete financing on an incomplete project of the City, as identified in paragraph (2) of subdivision (A) of Section 66001, and the project of the City remains incomplete.

The City's currently incomplete fire facilities projects and their approximate commencement dates are shown in Appendix A. The City has determined that it has or will obtain sufficient funds to finance such projects.

- Description of each interfund transfer or loan made from the account or sub-account(s), including project(s) of the City on which the transferred or loaned Impact Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of Interest that the account or sub-account(s) will receive on the loan.

No transfers or loans were made from the Fire Facilities Fee Account in fiscal year 2015-2016.

- The amount of refunds made or revenues allocated for other purposes if the administrative costs of refunding unexpended revenues exceed the amount to be refunded.

No refunds were made from the Fire Facilities Fee Account in fiscal year 2015-2016.

F. Animal Control Facilities

1. Description of the type of Impact Fees in the account or sub-account(s) of the City.

The Animal Control Facilities includes those facilities used by the City to provide basic animal control services.

2. Amount of the Impact Fees.

**Table F-1
Animal Control Facilities Fee by Land Use**

Land Use	Fee Amount
Single Family	\$10.89 per unit
Multi-Family	\$8.25 per unit
Commercial	\$11.55 per 1,000 bldg sq. ft.
Industrial	\$2.97 per 1,000 bldg sq. ft.

3. Beginning and ending balance of account and sub-account(s).

**Table F-2
Fiscal Year 2015-2016
Beginning and Ending Fund Balances**

Item	Amount
Beginning Fund Balance (7/1/2015)	\$1,425
Ending Fund Balance (6/30/2016)	\$6,281

4. Amount of the Impact Fees collected and interest earned.

**Table F-3
Fiscal Year 2015-2016
Impact Fees Collected and Interest Earned**

Item	Amount
Fee Revenues	\$4,844
Interest Income	\$11
Total	\$4,855

5. Identification of each improvement on which Impact Fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the City that was funded with Impact Fees.

No projects were funded by the Animal Control Facilities Fees in fiscal year 2015-2016.

6. Identification of an approximate date by which the construction of project(s) of the City will commence if the City determines that sufficient funds have been collected to complete financing on an incomplete project of the City, as identified in paragraph (2) of subdivision (A) of Section 66001, and the project of the City remains incomplete.

The City's currently incomplete animal control facilities projects and their approximate commencement dates are shown in Appendix A. The City has determined that it has or will obtain sufficient funds to finance such projects.

7. Description of each interfund transfer or loan made from the account or sub-account(s), including project(s) of the City on which the transferred or loaned Impact Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of Interest that the account or sub-account(s) will receive on the loan..

No transfers or loans were made from the Animal Control Facilities Fee Account in fiscal year 2015-2016.

8. The amount of refunds made or revenues allocated for other purposes if the administrative costs of refunding unexpended revenues exceed the amount to be refunded.

No refunds were made from the Animal Control Facilities Fee Account in fiscal year 2015-2016.

G. Transportation Facilities

1. Description of the type of Impact Fees in the account or sub-account(s) of the City.

Transportation Facilities includes infrastructure necessary to provide safe and efficient vehicular access throughout the City. In order to meet the transportation demand of new development through build out, the City identified the need for new road construction and equipment.

2. Amount of the Impact Fees.

**Table G-1
Transportation Facilities Fee by Land Use**

Land Use	Fee Amount
Single Family	\$1,836.45 per unit
Multi-Family	\$1,285.68 per unit
Commercial	\$5,642.34 per 1,000 bldg sq. ft.
Industrial	\$938.19 per 1,000 bldg sq. ft.

- Beginning and ending balance of account and sub-account(s).

**Table G-2
Fiscal Year 2015-2016
Beginning and Ending Fund Balances**

Item	Amount
Beginning Fund Balance (7/1/2015)	\$768,091
Ending Fund Balance (6/30/2016)	\$910,573

- Amount of the Impact Fees collected and interest earned.

**Table G-3
Fiscal Year 2015-2016
Impact Fees Collected and Interest Earned**

Item	Amount
Fee Revenues	\$137,187
Interest Income	\$5,294
Total	\$142,482

- Identification of each improvement on which Impact Fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the City that was funded with Impact Fees.

No projects were funded by the Transportation Facilities Fees in fiscal year 2015-2016.

- Identification of an approximate date by which the construction of project(s) of the City will commence if the City determines that sufficient funds have been collected to complete financing on an incomplete project of the City, as identified in paragraph (2) of subdivision (A) of Section 66001, and the project of the City remains incomplete.

The City's currently incomplete transportation facilities projects and their approximate commencement dates are shown in Appendix A. The City has determined that it has or will obtain sufficient funds to finance such projects.

- Description of each interfund transfer or loan made from the account or sub-account(s), including project(s) of the City on which the transferred or loaned Impact Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of Interest that the account or sub-account(s) will receive on the loan.

No transfers or loans were made from the Transportation Facilities Fee Account in fiscal year 2015-2016.

- The amount of refunds made or revenues allocated for other purposes if the administrative costs of refunding unexpended revenues exceed the amount to be refunded.

No refunds were made from the Transportation Facilities Fee Account in fiscal year 2015-2016.

H. Storm Water Facilities

1. Description of the type of Impact Fees in the account or sub-account(s) of the City.

The Storm Water Facilities include facilities necessary to ensure proper collection of storm water throughout the City. In order to meet the necessary protection levels from storm water runoff generated by new development through build out, the City identified the need for certain storm water facilities.

2. Amount of the Impact Fees.

**Table H-1
Storm Water Facilities Fee by Land Use**

Land Use	Fee Amount
Single Family	\$93.39 per unit
Multi-Family	\$47.52 per unit
Commercial	\$66.99 per 1,000 bldg sq. ft.
Industrial	\$53.13 per 1,000 bldg sq. ft.

3. Beginning and ending balance of account and sub-account(s).

**Table H-2
Fiscal Year 2015-2016
Beginning and Ending Fund Balances**

Item	Amount
Beginning Fund Balance (7/1/2015)	\$10,768
Ending Fund Balance (6/30/2016)	\$16,698

4. Amount of the Impact Fees Collected and Interest Earned.

**Table H-3
Fiscal Year 2015-2016
Impact Fees Collected and Interest Earned**

Item	Amount
Fee Revenues	\$5,818
Interest Income	\$112
Total	\$5,930

5. Identification of each improvement on which Impact Fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the City that was funded with Impact Fees.

No projects were funded by the Storm Water Facilities Fees in fiscal year 2015-2016.

6. Identification of an approximate date by which the construction of project(s) of the City will commence if the City determines that sufficient funds have been collected to

complete financing on an incomplete project of the City, as identified in paragraph (2) of subdivision (A) of Section 66001, and the project of the City remains incomplete.

The City's currently incomplete storm water facilities projects and their approximate commencement dates are shown in Appendix A. The City has determined that it has or will obtain sufficient funds to finance such projects.

7. Description of each interfund transfer or loan made from the account or sub-account(s), including project(s) of the City on which the transferred or loaned Impact Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of Interest that the account or sub-account(s) will receive on the loan.

No transfers or loans were made from the Storm Water Facilities Fee Account in fiscal year 2015-2016.

8. The amount of refunds made or revenues allocated for other purposes if the administrative costs of refunding unexpended revenues exceed the amount to be refunded.

No refunds were made from the Storm Water Facilities Fee Account in fiscal year 2015-2016.

I. Water Capacity

1. A description of the Capacity Charges deposited in the fund.

The purpose of the Water Capacity Charge is to mitigate the impact of a growth in customers (i.e., new service connections) to the City's existing public water system. The charge is directly related to the need for expanded water service capacity caused by development.

2. The beginning and ending balance of the fund and the interest earned from investment of moneys in the fund.

**Table I-1
Fiscal Year 2015-2016
Beginning and Ending Fund Balances**

Item	Amount
Beginning Fund Balance (7/1/2015)	\$398,561
Ending Fund Balance (6/30/2016)	\$759,908

3. Amount of Capacity Charges collected in that fiscal year.

**Table I-2
Fiscal Year 2015-2016
Impact Fees Collected and Interest Earned**

Item	Amount
Fee Revenues	\$361,347
Interest Income	\$0
Total	\$361,347

4. An identification of all of the following:
 - a. Each public improvement on which Capacity Charges were expended and the amount of the expenditure for each improvement, including the percentage of the total cost of the public improvement that was funded with those charges if more than one source of funding was used.
 - b. Each public improvement on which Capacity Charges were expended that was completed during that fiscal year.
 - c. Each public improvement that is anticipated to be undertaken in the following fiscal year.

No projects were funded by the Water Capacity Charges in fiscal year 2015-2016. No projects are anticipated to be funded by the Water Capacity Charges in fiscal year 2016-2017.

5. A description of each interfund transfer or loan made from the account or sub-account(s), including project(s) of the City on which the transferred or loaned Capacity Charges will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of Interest that the account or sub-account(s) will receive on the loan.

No transfers or loans were made from the Water Capacity Charge Account in fiscal year 2015-2016.

J. Wastewater Capacity

1. A description of the Capacity Charges deposited in the fund.

The purpose of the Wastewater Capacity Charge is to mitigate the impact of a growth in customers (i.e., new service connections) to the City's existing public wastewater system. The charge is directly related to the need for expanded wastewater service capacity caused by development.

2. The beginning and ending balance of the fund and the interest earned from investment of moneys in the fund.

Table J-1
Fiscal Year 2015-2016
Beginning and Ending Fund Balances

Item	Amount
Beginning Fund Balance (7/1/2015)	\$357,290
Ending Fund Balance (6/30/2016)	\$745,643

3. Amount of Capacity Charges collected in that fiscal year.

Table J-2
Fiscal Year 2015-2016
Impact Fees Collected and Interest Earned

Item	Amount
Fee Revenues	\$388,353
Interest Income	\$0
Total	\$383,353

4. An identification of all of the following:
 - a. Each public improvement on which Capacity Charges were expended and the amount of the expenditure for each improvement, including the percentage of the total cost of the public improvement that was funded with those charges if more than one source of funding was used.
 - b. Each public improvement on which Capacity Charges were expended that was completed during that fiscal year.
 - c. Each public improvement that is anticipated to be undertaken in the following fiscal year.

No projects were funded by the Wastewater Capacity Charges in fiscal year 2015-2016. No projects are anticipated to be funded by the Wastewater Capacity Charges in fiscal year 2016-2017.

5. A description of each interfund transfer or loan made from the account or sub-account(s), including project(s) of the City on which the transferred or loaned Capacity Charges will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of Interest that the account or sub-account(s) will receive on the loan.

No transfers or loans were made from the Wastewater Capacity Charge Account in fiscal year 2015-2016.

III. FISCAL YEAR 2015-2016 FIVE-YEAR REPORT

In accordance with Government Code Section 66001, the City provides the following information with respect to that portion of the Impact Fee accounts or sub-account(s) remaining unexpended, whether committed or uncommitted:

1. Identification of the purpose to which the Impact Fees are to be put

The purpose of the Impact Fees imposed and collected on new development within the City during fiscal year 2015-2016 was to fund the additional public facilities needed to serve new development within the City.

2. Demonstration of a reasonable relationship between the Impact Fees and the purposes for which they are charged

There is a roughly proportional, reasonable relationship between the new development upon which the Impact Fees are charged and the need for additional public facilities by reason of the fact that additional residents and employees will be generated by additional development within the City and the City does not have capacity in its existing public facilities to accommodate these new residents and employees. Furthermore, the Impact Fees charged on new development will be used to fund additional public facilities which will be used to serve the residents and employees generated from new development.

3. Identification of all sources and amounts of funding anticipated to complete financing of the public facilities the City has identified in the City's reports

Table III-1 below is a summary of the amount of fees on hand for each fund as of June 30, 2016, as well as the costs of the pending public facility projects currently identified by the City as shown in further detail in Appendix A. As indicated in the table below, the current fee balances are needed to complete the pending projects.

**Table III-1
Fees on Hand for Each Fund as of June 30, 2016**

Fund	Fees on hand as of 6/30/2016	Cost of Future Projects
General Government Facilities	\$65,651	\$1,140,000
Library Facilities	\$85,345	\$4,278,335
Parks and Recreation Facilities	\$161,231	\$3,451,855
Police Facilities	\$81,268	\$650,500
Fire Facilities	\$26,958	\$8,311,000
Animal Control Facilities	\$6,281	\$1,000,000
Transportation Facilities	\$910,573	\$3,256,000
Storm Water Facilities	\$16,698	\$250,000

4. Identification of the approximate dates on which the funding referred to in Section III.3 is expected to be deposited into the appropriate account or fund

Appendix A shows the approximate dates on which the funds are expected to be available for the Public Facility projects presently identified by the City.

APPENDIX A

Summary of Incomplete Projects

City of Brawley
 Government Code Sections 66001 and 66006
 Annual and Five-Year Reports
 Fiscal Year 2015-2016
 Summary of Incomplete Projects

Project	Total Cost	Amount to be Funded by Reportable Fees/ Capacity Fees	Source of Reportable Fees/Capacity Fees	Amount to be Funded by Other Sources of Funds	Description of Other Sources of Funds	Timeframe
General Government Facilities						
City Hall/Computer System	\$60,000	\$20,484	On Deposit/Future Collections	\$39,516	General Fund	TBD
Upgrade P.W. Fiber Optics	\$20,000	\$6,828	On Deposit/Future Collections	\$13,172	General Fund	TBD
Vehicle Maintenance Shop Computer Acquisition	\$10,000	\$3,414	On Deposit/Future Collections	\$6,586	General Fund	TBD
Shop Restroom Expansion	\$15,000	\$5,121	On Deposit/Future Collections	\$9,879	General Fund	TBD
Engineering Vehicle Acquisition	\$25,000	\$25,000	On Deposit/Future Collections	\$0 NA		FY 2016/2017
Public Works Parking Lot Paving	\$1,000,000	\$341,400	On Deposit/Future Collections	\$658,600	Maintenance Fund	
Planning IT Equipment Acquisition	\$10,000	\$3,414	On Deposit/Future Collections	\$6,586	General Fund	TBD
Subtotal	\$1,140,000	\$405,661		\$734,339		
Library Facilities						
Library Books	\$4,153,335	\$4,153,335	On Deposit/Future Collections	\$0 NA		Annually FY 2017/2018
Library Restroom Rehab	\$125,000	\$42,675	On Deposit/Future Collections	\$82,325	Maintenance Fund/General Fund	
Subtotal	\$4,278,335	\$4,196,010		\$82,325		
Parks and Recreation Facilities						
Messerve Park Restroom	\$125,000	\$125,000	On Deposit/Future Collections	\$0 NA		FY 2016/2017
Alyce Geneaux Park	\$3,026,855	\$873,445	On Deposit/Future Collections	\$2,153,410	State Grant	FY 2016/2017
Pat Williams Park Shelter Project	\$100,000	\$100,000	On Deposit/Future Collections	\$0 NA		FY 2018/2019
Park Play Equipment	\$200,000	\$200,000	On Deposit/Future Collections	\$0 NA		FY 2016/2017
Subtotal	\$3,451,855	\$1,298,445		\$2,153,410		
Police Facilities						
Communications Center Working Console	\$106,000	\$36,188	On Deposit/Future Collections	\$69,812	General Fund	FY 2016/2019
Communications Center Radio and Computer System Hardware	\$100,000	\$34,140	On Deposit/Future Collections	\$65,860	General Fund	FY 2018/2019
Portable Officer Radios	\$66,500	\$66,500	On Deposit/Future Collections	\$0 NA		FY 2018/2019
Anti-Crime Camera Surveillance System Procurement and Installation	\$200,000	\$68,280	On Deposit/Future Collections	\$131,720	General Fund	FY 2017/2018
Evidence and Property Room Renovation	\$150,000	\$51,210	On Deposit/Future Collections	\$98,790	Asset Forfeiture and/or Other Sources not yet Identified	FY 2016/2017
Re-surface Rear Parking Lot	\$28,000	\$9,558	On Deposit/Future Collections	\$18,441	General Fund	FY 2016/2019
Subtotal	\$650,500	\$285,078		\$384,622		
Fire Facilities						
Main Fire Station (Improvements)	\$9,271,000	\$2,823,719	On Deposit/Future Collections	\$5,447,281	General Fund (Continuous)	FY 2015/2016 (Partial)
Command Vehicle	\$40,000	\$40,000	On Deposit/Future Collections	\$0 NA		TBD
Subtotal	\$9,311,000	\$2,863,719		\$5,447,281		
Animal Control Facilities						
Animal Holding Facility	\$1,000,000	\$341,400	On Deposit/Future Collections	\$658,600	General Fund/Grant (If Available)	TBD
Transportation Facilities						
Downtown Redevelopment Project	\$1,000,000	\$232,100	On Deposit/Future Collections	\$767,900	Highway Relinquishment Funds	FY 2017/2018
Wildcat Drive Extension ROW Acquisition (S. Imperial to S. 9th Street)	\$2,256,000	\$2,256,000	On Deposit/Future Collections	\$0 NA		FY 2018/2019
Subtotal	\$3,256,000	\$2,488,100		\$767,900		
Storm Water Facilities						
N. Imperial Avenue Storm Drain Extension	\$250,000	\$250,000	On Deposit/Future Collections	\$0 NA		TBD
Water Capacity Facilities						
Water Treatment Pond Liner Replacement	\$2,000,000	\$750,000	On Deposit/Future Collections	\$1,250,000	Water Fund Services Charges	FY 2016/2017 & 2017/2018
Wastewater Capacity Facilities						
Sanitary Sewer Management Plan	\$50,000	\$15,700	On Deposit/Future Collections	\$34,300	Wastewater Enterprise Fund	FY 2016/2017 & 2017/2018
Greenhouse Expansion	\$500,000	\$500,000	On Deposit/Future Collections	\$0 NA		TBD
Second Centrifuge	\$1,850,000	\$1,815,700	On Deposit/Future Collections	\$34,300		TBD
Subtotal	\$1,850,000	\$1,815,700		\$34,300		



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Jeff Wattenbarger
Wattenbarger Construction

March 27, 2017

City of Brawley

Rosanna Bayon-Moore, City Manager
Administration Offices
383 Main Street
Brawley, CA 92227

RE: Annual and Five Year Report

Dear Ms. Bayon-Moore,

Thank you for providing the Desert Valleys Builders Association the opportunity to review the City of Brawley *Annual and Five-Year Reports* for fiscal year 2015/2016. During our examination, we found that where funds have been expended, the description or explanation for the projects is limited. Below we call out each of these items requesting clarification and if need be, justification.

Mitigation Fee Act funds have a defined purpose. These fees may only be used to expand existing facilities or build new facilities to increase capacity to support the increased need caused by population growth from new construction. This report appears to demonstrate that mitigation/impact fees have been used and are planned (Appendix A) for future use to **Replace, Repair, Rehabilitate, Renovate (upgrade without expanding capacity for use), Resurface, Restore, Rebuild or otherwise Maintain** existing facilities. These are inappropriate expenditures, and a violation of the Mitigation Fee Act. **New residents and business owners should not be paying for facilities and infrastructure that the existing population has worn out.**

As stated last year, we suggest that the City **recognize this error**, and document the payments for replacement, repairs, rehabilitation, resurfacing, renovation, restoration, rebuilding and maintenance **as loans** from the categorical DIF Funds with a plan to repay the Funds at a future date. This would also be documented in the "AB 1600 Annual and Five-Year Reportable Fees Report".

17-03-29P03:24 RCVD



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Neihery Muefler Olivier

Alan Pace

Petra Geotechnical

John Powell, Jr.

Coachella Valley Water District

Phil Smith

Sunrise Company

Patrick Swarthout

Habitat for Humanity

Jeff Wattenbarger

Wattenbarger Construction

The following are specific issues to this report that should be corrected and refiled. Many of these issues are repeated from chapter to chapter.

Library Facilities Fee expenditures

- Books and Subscriptions - \$14,802
 - How many books were added to the Library's inventory?
 - How many subscriptions are provided by the Library?

Parks and Recreation Facilities Fees

- Meserve Park Improvements - \$13,487
 - What improvements were made?
 - How did these improvements increase the capacity for use beyond previous design?

Police Facilities Fees

- Installation of Police Equipment - \$12,829
 - What was installed?
 - How is this equipment installation related to the City's growing population?

Fire Facilities Fees

- Installation of Fire Station Windows and Doors
 - How is this related to expanding services to a growing population?

APPENDIX K – Summary of Incomplete Projects

- Approximately 20 items listed are to *Replace, Repair, Rehabilitate, Renovate, Resurface, Restore, Rebuild, or otherwise Maintain* existing facilities.
- Please explain how the items can be justified as appropriate expenses under the Mitigation Fee Act.
 - We have noticed that several items we commented on previously have been removed – thank you



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Again, thank you for providing the DVBA with the opportunity to examine this report. Our primary concern is the inappropriate use of Mitigation Fees to Replace, Repair, Rehab, Restore, Resurface, Renovate, Rebuild and Maintain *existing infrastructure and equipment*. Where the City has used fees inappropriately, those funds must to be documented as loans, tracked and eventually repaid.

The use of Mitigation Fee Act Funds this past year was minimal, but questionable. Appendix A shows a list of capital improvements which can be classified as current deficiencies. And, by definition, may not utilized any development impact fees for improvements.

We look forward to receiving your responses to our questions, and explanations, justifications or documentation supporting these recent and future expenditures of Mitigation Fee Act Funds.

Sincerely,


Gretchen Gutierrez
Chief Executive Officer



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

11 April 2017

Ms. Gretchen Gutierrez
Chief Executive Officer
Desert Valley Builders Association
75100 Mediterranean
Palm Desert, CA 92211

Dear Ms. Gutierrez:

I am in receipt of your letter dated March 27, 2016. Staff has had the opportunity to review the comments submitted. Please see the responses in the order they were submitted below:

Library Facilities Fee expenditures

- Books and Subscriptions - \$14,802
 - How many books were added to the Library's inventory?
 - How many subscriptions are provided by the Library?

City of Brawley Response: In Fiscal Year 2015/2016, the Brawley Library placed 17 orders for the purchase of 780 books in total of new inventory. No subscriptions were purchased. The new inventory consists of 60% children's non-fiction, 20% reference books and 20% Spanish language and other miscellaneous titles.

This acquisition is an identified project in the adopted 2010 Impact Fee Study Needs List at 100% to be funded by impact fees for the cost allocated to new development. Therefore, the City of Brawley finds the use of impact fees for this capital project appropriate to support the growth of the City. The project is identified in the Needs List as Books and Subscriptions.

Parks and Recreation Facilities Fees

- Meserve Park Improvements - \$13,487
 - What improvements were made?
 - How did these improvements increase the capacity for use beyond previous design?

City of Brawley Response: The recreational use of this park has increased as the number of youth softball leagues have grown in the City of Brawley. This project was a collaborative effort between the City and community. A new restroom facility was constructed, as there had not been any restroom facilities at this park location.

This is an identified project in the adopted 2010 Impact Fee Study Needs List at 100% to be funded by impact fees for the cost allocated to new development. The project is identified in the Needs List as Meserve Park Restroom Construction.

Police Facilities Fees

- Installation of Police Equipment - \$12,829
 - o What was installed?
 - o How is this equipment installation related to the City's growing population?

City of Brawley Response: The City's fleet of vehicles for the operation of the City of Brawley Police Department expanded to include three additional units. The fleet grew by two (2) marked SUV's and one (1) Transport Van. The identified expenditures were for the fabrication of the metal interior holding space and necessary emergency equipment to properly outfit the transport van for its intended use.

The vehicle purchases were identified and included in the prior Annual Report and Five Year Report.

Fire Facilities Fees

- Installation of Fire Station Windows and Doors
 - o How is this related to expanding services to a growing population?

City of Brawley Response: As explained in the prior year's reporting for Main Fire Station Improvements, the Window and Door Replacement project is an identified project within the adopted 2010 Impact Fee Study Needs List at 34.14%. Impact fees were utilized at the stated growth rate of 34.14%. Therefore, the City finds the use of impact fees for this capital project an appropriate expenditure in support of the City's growth.

APPENDIX K – Summary of Incomplete Projects

- Approximately 20 items listed are to *Replace, Repair, Rehabilitate, Renovate, Resurface, Restore, Rebuild, or otherwise Maintain* existing facilities.
- Please explain how the items can be justified as appropriate expenses under the Mitigation Fee Act.
 - o We have noticed that several items we commented on previously have been removed – thank you

City of Brawley Response: As the DVBA has acknowledged above, the City has removed several projects from the prior report. The updated list incorporates projects from the adopted 2010 Study Needs List and eligible projects that comply with the Mitigation Fee Act. The basis for projects for existing facilities is 34.14% per the adopted fee study. Projects addressing new growth are covered at 100%.

Thank you for taking the time to review the report and provide comments. I hope that you find the staff review and support of each project provides a proper justification for the appropriate use of the impact fees and capacity fees.

The Annual and Five Year Report will be submitted to the City Council for their review and approval on Tuesday, May 2, 2017 along with DVBA's comment letter and the City of Brawley prepared responses.

Sincerely,



Rosanna Bayon Moore
City Manager



Fiscal Year 2016 - 17

Monthly Staffing Report for May 1, 2017

Updated 04/28/2017

Full-time Regular EE Groups	Authorized Positions	Filled Positions	Vacant Positions	Notes
Building & Community Develop.	5	5	0	
Finance	7	7	0	
Fire	19	18	1	Firefighter
Personnel & Risk Management	1	1	0	
Information Technology	1	1	0	
Library	4	4	0	
Parks & Recreation	10	8	2	Senior Center Coordinator, Parks Maintenance Worker
Planning	2	2	0	
Police	50	45	5	1 Police Officer, Graffiti Abatement, Police Chief, 2 Dispatchers
Public Works	40	36	4	Deputy Director, Mechanic, & Utility Leadman; Wastewater Treatment Plant Asst. Chief Operator starts 5/22/2017
Records Management/City Clerk	3	3	0	Clerk as 2 positions
Council Members	5	5	0	
Treasurer	1	1	0	
City Manager	1	1	0	
Total	149	137	12	

Groups	Limited Term Positions	Temp & Part time Positions	Temp Agency Positions	
Planning	0	0	0	
Fire - Reserve/Call Paid	0	11	0	
Library	3	5	0	
Parks & Recreation	0	7	0	Two temp workers for Parks Maintenance, one admin sec and sr ctr coord. One person to turn on and off lights; field supervisor for rec leagues. One general laborer to assist.
Police	0	2	0	P/T Maintenance worker, F/T Graffiti Abatement
Public Works	0	3	0	Temporary assistance in wastewater, pretreatment and streets and utilities.
Records Management	0	1	0	Currently utilizing temp worker from PD 11 hours per week

Prepared by:

Shirley Bonillas, Personnel & Risk Management Administrator