

CITY OF BRAWLEY
July 18, 2017

The City Council of the City of Brawley, California met in a regular session at 6:00 PM, City 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 Pro-Tempore Noriega @ 6:00 PM**

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

Invocation was offered by **CM Kastner-Jauregui**

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

1. APPROVAL OF AGENDA

The agenda was **approved** as submitted. m/s/c Kastner-Jauregui/Wharton 4-0 Couchman absent

2. PUBLIC APPEARANCES/COMMENTS

- a. **Jean Pantaleo**, Brawley resident asked Council to look into considering a discount for Senior Citizens on their Water/Sewer/Trash bill.
- b. **Katie Luna, Executive Director Brawley Chamber of Commerce** stated that they are moving forward with the Business Speed Networking Event that will take place at the Lions Center on July 31, 2017 starting @ 6pm, Doc's Organic Mixer on July 27th and Florentine Collection Mixer on August 4th, she also mentioned that the Cattle Call Queen Contest has been postponed due to lack of participants. The Brawley Cattle Call Queen Royalty Association will take the 2017 contest season to complete their formalization process which will establish the association as a non-profit.
- c. **Gil Rebollar, Brawley resident** mentioned to Council about a downtown cleanup, he has contacted Board of Supervisor District #4 Ryan Kelley, Simon Canalez Superintendent at Brawley Union High School and several Brawley organizations to participate. He was advised to get together with City Manager.
- d. **Valerie Smith, Elks Member** invited everyone to their upcoming Pulled Pork fundraiser scheduled for July 22, 2017 starting at 11am.
- e. **Steven Sullivan, Senior City Engineer** introduced Water Distribution/Sewage Collections System Operations Supervisor Steven Mireles.
- f. **Pat Dorsey, Parks & Recreation Director** introduced newly appointed Parks Maintenance Worker Anthony Padilla.
- g. **Kelly Brown, Interim Police Chief** introduced Police Officers Jake Yuhas and Jesse Yuhas.
- h. **Chuck Peraza, Fire Chief** introduced Firefighter Martin Melendez.

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/Kastner-Jauregui 4-0 Couchman absent

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

- a. **Approved** Accounts Payable: June 9, 2017
June 16, 2017
June 26, 2017
June 30, 2017
July 7, 2017
- b. **Adopted** 2nd Reading of Ordinance 2017-05: Ordinance of the City Council of the City of Brawley, California Prohibiting the Use, Consumption and Possession of Cannabis in City Facilities, Parks and Other Public Places in the City of Brawley.
- c. **Adopted** 2nd Reading and Adoption of Ordinance No. 2017-06: Ordinance of the City Council of the City of Brawley, California Amending the Codified Ordinances of the City of Brawley Relating to Marijuana Commercial Activities.
- d. **Authorized** Amendment No. 8 for a 12 Month Extension to the Agreement between City of Brawley and Imperial County Humane Society for Animal Sheltering Services.
- e. **Authorized** Amendment No. 1 to the Agreement with Psomas for Professional Engineering Services to Revise Plans and Specifications for Main Street Lighting Project in the Amount of \$5,939.06.
- f. **Approved** Resolution No. 2017-33: Resolution of the City Council of the City of Brawley, California Indicating Program Income Funds to Supplement the CDBG Grant #13-CDBG-8954 for the Purchase of the Fire Apparatus and Performance of Sewer Improvements for the City of Brawley.
- g. **Approved** Resolution No. 2017-34: Resolution of the City Council of the City of Brawley, California Amending the Bernardo Padilla Assessment District Commencing with FY 2017/2018.
- h. **Approved** Request by Brawley Chamber of Commerce to Sell and Consume Alcohol on City Properties on Designated Dates and Times as Part of 2017 Cattle Call Festivities.

4. REGULAR BUSINESS

- a. Discussion and Potential Action to Award Contract to Masters Construction for Project No. 2017-01, Sidewalk Rehabilitation on Various Streets in the Amount of \$289,420.00.

The City Council **awarded** the Contract to Masters Construction for Project No. 2017-01, Sidewalk Rehabilitation on Various Streets in the amount of \$289,420.00. m/s/c Nava/Kastner-Jauregui 4-0 Couchman absent

- b. Discussion and Staff Direction re City of Brawley Utility User Tax

Ruby Walla, Finance Director/City Treasurer – Power Point Presentation

Council was advised that the City would like guidance of how the City would like to proceed with the renewal, rate, and term of the Utility Users Tax that is set to expire May 31, 2018. Further discussion involved was information and direction, if the Council had interest in modernizing the Ordinance of the Utility User Tax. Direction was needed as ballot measure language needed to be adopted by July 25, 2017. She also mentioned this topic had been discussed during Mid-Year Budget Review, Strategic Planning, and Budget Process discussions leading up to adoption of the 2017/2018 budget.

The Council **directed** staff to work on the wording for the Ballot Measure and leave as is at a rate of 4% with a 5 year sunset without modernizing the ordinance to introduce any new technologies.

6. CITY TREASURER'S REPORT

Ruby Walla, Finance Director/City Treasurer told staff that she currently holds two offices Finance Director and City Treasurer. This topic was brought up by our previous City Treasurer Jim Hamilton to make it an appointed position. At the last election it was unfortunate that the newly elected City Treasurer Miguel Miranda passed away. If the City Council desires to the voters at the next election a question whether the Office of the City Treasurer should be filled by appointment rather than an election.

The Council **directed** staff to work on the wording for the Ballot Measure for this upcoming election

7. PUBLIC HEARING

- a. Presentation re: Brawley Mobile Home Park Located at 650 South Brawley Avenue

Rosanna Bayon Moore, City Manager – Power Point Presentation*

*On file and available upon request from the Office of the City Clerk.

Cameron Johnson, AMG & Associates stated that he was introduced to the property back in February, (6) six months after the park was shut down and tenants were displaced. I have learned that the improvements and cost needed to bring the park back to code to open is not economically a viable option. After careful consideration it was determined that the only way to move forward with this property is to close the park and develop it into a commercial development. If approved tonight, the next step is to purchase the property and implement the steps of the relocation plan. The goal is for everyone to be taken care of providing housing and have the site cleared by February of 2018.

Natasha Lenic, LACAL Consulting, Inc. stated that the report was based on all persons contacted in the park to get more information and access individual needs for the relocation and mitigation measures that will be required if the park is too close.

Bill Smerdon, City Attorney mentioned that at staff level the City is obligated to ensure that the person or entity proposing the change in use is aware of the legal requirement to provide each resident that will be displaced by the change a copy of the required impact report at least 15 days prior to the hearing on the report City has complied with that requirement, also at staff level the City must ensure that the

person or entity proposing the change in use provides notice of the public hearing before the City Council to the displaced residents at least 15 days prior to the hearing and staff has complied with that requirement. An lastly the City Council must review the impact report filed by AMG and may require as a condition of the change that AMG take steps to mitigate any adverse impacts that the closure will have on the ability of the displaced residents to find adequate housing in a mobile home park. (Cal. Govt. Code § 65863.7(e).) Because this is a procedure established by statute passed by the State Legislature, the City Council's discretion in this matter is limited by that statute. For example, the City Council does not have the discretion to deny the owner permission to close the Park. The owner has the absolute right to close the Park, provided that the owner complies with reasonable conditions imposed by the City Council following the consideration of the impact report. Additionally, because the Legislature has limited the mitigation that the City Council may order to the reasonable costs of relocation, the City Council may not impose additional conditions over and above that limit established by the State Legislature.

After reviewing the Impact Report, the City Council may find that the mitigation measure proposed by AMG exceed the reasonable costs of relocation. If that is the case, notwithstanding the limits placed on the City Council's discretion by the Legislature, the City Council may nevertheless approve the impact report and mitigation measures proposed by AMG. There is a limited amount that the Council can order, that is the reasonable cause of the relocation. City Council does not have the authority to order owners to rehabilitation or to bring back to code.

Rosanna Bayon Moore, City Manager indicated the City is in receipt of an official comment letter from California Rural Legal Assistance.

OPEN PUBLIC HEARING @ 7:49pm

The following individuals provided comments relating to the proposed park closure and relocation report.

- Maria Garcia-MHP Resident**
- Petra Escobedo- MHP Resident**
- Miguel Gonzalez- MHP Resident**
- Salvador Lopez- MHP Resident**
- Martin Maldonado- MHP Resident**
- Maria Silvia- MHP Resident**

They mentioned they have suffered economically, morally, mentally, physically, stressed, depression, security issues, problems with family members, promises not kept, some on social security income and can't offer rent, lack of communication from MHP managers and owners, repair and replace trailers, not the residents fault, park had several issues for years, one day to another removed from location without notices, elderly and disability needs and injustice situation. This has impacted all the residents and it will be beneficial if a decision is made soon.

California Rural Legal Assistance Attorney Beatriz Garcia representing the residents at the Brawley Mobile Home Park. Basic Notices law has not been met under government code, at least 15-days written notice that management will be appearing before local government board commission body to request permit to change use of the park, did not receive notices until Monday, July 3rd, today July 18th is the 15th day therefore this requirement notice has not been met and this public hearing should be continued. AMG & Associates does not have standing to submit the relocation impact report. They do not own, operate or manage the park and not formerly submitted a development plan. The City Council should act immediately to order proper permitting, repair of the park and restore resident to their homes. The City and County have been aware of the standard of the park for many years, steps should be taken to stop nuisance. The relocation plan is not efficient and should be disapprove and does not meet the requirements.

Conclusion:

Step 1 City should take to requirement the mobile home park owner to make the necessary repairs and being park up to code and provide decent sanitary park that is required by law.

Step 2 Is to prohibit permanent displacement of the residents without assurance the development of the replacement park.

Step 3 City to apply for more funds to rehabilitate the park repair or replace individual homes.

PUBLIC HEARING CLOSED @ 8:40pm

CA Smerdon stated the City Council has the legal authority to order the condition of closing the park to pay mitigation for the relocation and as for standing the sketches are clear, anybody that changes the use has standing. Developer proposes to change the use. You have to own the park to change the use. Developer has filled the require plan given the require notices. When you count notices on the law. You have to do have so many day notice. You take the date of the hearing you count back ward, the date was July 3rd, we verified that everyone received the notices before that, on or before that date. Four people didn't and those four people have affirmation waived notices in writing. Notices were properly given. What we are talking is for the relocation going forward. It is up to the Council if the proposed relocation is efficient, then you make a motion accord.

CM Nava asked how was the proposed methodology determined for the relocation. **Ms. Lenic** said Scenario 1, Actual quotes received from a mobile home mover that's if the mobile home is movable and residents can find another park that will accept them. There is a 25-mile limit to move trailers \$6,500/single wide and \$13,000/double wide, Scenario 2, Non-movable owner occupied units were looked at to see what they pay in actual rent now. There are still 30-40% still living with family. It was determined that \$500 quote for moving personal items is reasonable and Scenario 3, Non-movable rental units, number of tenants is estimated that are in non-movable units and are renters of the units. There are (3) three homeowners and several with questionable ownership.

CM Wharton asked if this imposed on the owner or on the new developer. **CA Smerdon** said that will be between the current owner and AMG & Associates presented on a contract. If residents suffered damages for wrongful eviction that goes in front of a judge not City Council.

CM Wharton asked AMG & Associates if they were willing to re-evaluate, for a more comfortable issuance to these residents that are really minimizing.

Mr. Johnson indicated that the tenants have been displaced since August of last year and we are here almost a year later. We will work closely with them and most likely be scenario #2.

Simon Houseman mentioned that he represents the seller, one of the problems is the statutory scheme is based on the seller volunteer deciding that they want to close the park and that's not what happen here, what happened there was a fire. The Woo's have been members of the community for over 40 years and if all things were perfect they would still be running the park, these people would all be living there but we don't control that. We have to deal with a very difficult situation. On the issue of the displacement time it has passed that is not covered by the statue, this is something not discussed with the developer and we haven't had this conversation specifically with tenants but when the fire occurred the owner made efforts to try and find them places to go and paid them money to help them with the transition at that time. I don't have those numbers with me but that already occurred. I'm not sure beyond that what can be done. Potentially there is a substantial amount of money that is going to be received by these people and they will get it in a lump sum and that will give them opportunities that hopefully they will be able to take advantage of.

CM Wharton said he would like more information on the mitigation.

Mr. Johnson said a workshop was held, residents had questions. Ms. Lenic conducted individually one on one meetings and phone conversations.

RECESS @ 8:27pm

RECONVENE @ 8:40pm

Mr. Johnson mentioned that he is maxed out on what I can pay and still have a feasible development. I talked to Mr. Woo to see if we could work something and offer them something additional to help offset some of the expenses that the tenants have had over the last 11 months. We would like to offer an additional \$500 per trailer and \$2,220 additional assistance for the Trailer Park and \$500 per tenant.

8. COUNCIL MEMBER REPORTS

Kastner-Jauregui: Attended Brawley Union High School Migrant Academy Summer Program, Imperial Irrigation District Summer Program where the City accepted a check for the Parks and Recreation Summer Program and Mixer at the Clinicas Salud del Pueblo.

Wharton: Was on vacation, started swimming at the Lions Pool and working on promoting the Speed Networking Event.

Nava: Attended the Brawley Union High School Migrant Academy Summer Program, meetings representing Brawley, looking forward to the Speed Networking Event at the end of the month and thank you all for being here.

Noriega: Attended the League of Cities Mayor and Council Members Conferences, was recently elected as a Board Member to the California Association of Cities Allied with Public

Safety, Library Meeting, Splash Pad Grand Opening and there is a Paint and Wine at Hidalgo Hall this coming Friday, July 21, 2017.

8. CITY MANAGER'S REPORT None to report

9. CITY ATTORNEY'S REPORT None to report

10. CITY CLERK'S REPORT

a. Nomination Period opened on July 11, 2017.

11. CLOSED SESSION

POTENTIAL LITIGATION

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

ADJOURNMENT @ 8:45 PM

Alma Benavides, City Clerk