

**CITY OF BRAWLEY**  
**October 17, 2017**

The City Council of the City of Brawley, California met in a special session at 3:00 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 Couchman @6:00 PM**

**PRESENT:** Couchman, Kastner-Jauregui, Nava, Noriega, Wharton  
**ABSENT:** None

Invocation was offered by **Pastor Thomas Charlton, Full Gospel Church**

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

**1. APPROVAL OF AGENDA**

The agenda was **approved** as submitted. m/s/c Kastner-Jauregui/Wharton 5-0

**2. PUBLIC APPEARANCES/COMMENTS**

- a. Special Presentation was provided by the City Council in honor of Dr. Ron Stillman for Distinguished Service on the Brawley Public Library Board of Trustees and for Generous Support of the Community of Brawley.

**Mayor Couchman** presented Dr. Stillman with a Plaque and Proclamation.

**Councilmembers and Brawley Library Board of Trustees** thanked Dr. Stillman for his service and wished him well with his relocation to Arkansas.

- b. **David Cañez, Ambassador for the Chamber**, updated the City Council on Cattle Call Activities.

**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 Kastner-Jauregui/Noriega 5-0

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

- a. **Approved** City Council Minutes: September 5, 2017  
September 19, 2017
- b. **Approved** Accounts Payable: October 6, 2017
- c. **Approved** Final Map (TM06-06-01) – Panno Commercial Unit #1.
- d. **Approved** Resolution No. 2017-43: Resolution of the City Council of the City of Brawley, California Amending the Fiscal Year 2017/2018 City of Brawley Budget.

#### **4. REGULAR BUSINESS**

a. City Attorney Update re: the Brawley Mobile Home Park

**Bill Smerdon, City Attorney,** reported that some weeks ago staff was directed to place this item on the agenda to update the City Council and public whether or not an appeal has been filed regarding the City Council decision to approve the Relocation Impact Report for the Brawley Mobile Home Park. An appeal has been filed and the City Council has been informed. The City Attorney has been given direction to aggressively defend the City against that appeal. It is unknown if the appeal will have an effect on the developer's plans going forward or not.

Public Comments:

Rosa - Brawley Mobile Home Park Tenant  
Abel Vargas - Brawley Mobile Home Park Manager  
Petra Escobedo - Brawley Mobile Home Park Tenant

**Rosa Garcia, Brawley Mobile Home Park Tenant** requested additional updates regarding what is going on with the park. She stated that the residents met with AMG & Associates and were told that in two weeks AMG would advise if tenants can move the trailers and if they would be paid. They were then told to move all the trailers by the first week of November and if trailers were not moved, they would not be paid. She followed up with Veronica at LACAL Consulting and she has no answers. At the meeting, residents were told there will be 2 types of compensation: 1) Rental assistance and the old owner will give an additional \$500. 2) Another payment applies to tenants if the trailers are moved from the park. The manager has been working with contractors from Yuma, San Diego and Imperial Valley but they need to know exactly when they will issue the first check so they can start moving the trailers and pay the contractor. Everyone is scared to move their trailers and not get compensated. Some of the residents do not have the money to move them, so they decided to post on Facebook free trailers, selling at a low price. Other have experienced theft of trailer parts that have been stolen. There are 38 tenants that said everything is fine but there are 6 tenants that have not settled and because of them, the rest of the residents are waiting for a long time and it is not fair.

**Bill Smerdon, City Attorney,** stated that a lawsuit has been filed against the City by some of the families who do not like the action of the City Council and want it overturned. He has no information regarding specific moving arrangements for trailers. He suggested residents speak to the owner or possibly AMG & Associates.

**Mayor Couchman** stated that City met with the AMG and they agreed with some of these payments. They made the agreement in a public meeting and that is on record.

**Bill Smerdon, City Attorney,** stated that AMG prepared a mitigation proposal. It was presented to the City Council and the Council approved it. Council imposed greater requirements in order to close the park and AMG needs to abide by those conditions. However, now there are six families who have filed a lawsuit to overturn the Council's decision. The City does not control whether or not AMG is going to go through with its plan to buy the park. If they do not buy the park, they are not going to make the payments. The City does not know what is going to happen. He reported he has been in contact with legal counsel and has not received a definitive answer. The attorneys are trying to find a way to settle this matter. When I spoke to the attorney for the six families, she had no concept of what these families wanted by way of a settlement. The City Attorney does not know if AMG will continue to press forward with the plan. However, if they do, the mitigation plan is binding and they cannot close the park without making the payments.

**Mayor Couchman** stated if they move forward and want to close, they have to make the payments as they agreed to each of the people that resided within the trailer park. AMG will be bound by the agreement approved in the

public meeting to provide mitigation and make payments. However, if the lawsuit precludes them from purchasing the property, he would assume that they are not obligated to pay since they will not own the property.

**Bill Smerdon, City Attorney**, confirmed Mayor Couchman's understanding is correct. He noted that the lawsuit may cause AMG to change their mind about buying or they may somehow be prevented by the court because of the lawsuit.

**Council Member Noriega** indicated that in the meantime it is very sad that people are present who are citizens of Brawley without answers. The City's hands are tied because the City is being sued. Please talk to the attorney that these people were told to move their trailers by November 1<sup>st</sup> to get both checks but for whatever reason they are being stopped from moving them. They need to do something because these people need answers.

**Bill Smerdon, City Attorney**, said he will reach out again to the lawyers and see if they are willing to commit one way or the other going forward.

**Mayor Couchman** suggested that the City Attorney talk to the CLRA attorneys and see what they are planning to do. He stated that it appears all is in limbo due to the lawsuit.

**Council Member Nava** requested clarification whether two lawsuits or one were served on the City by California Rural Legal Assistance and Western Poverty Law Center.

**Eric Reyes, Brawley Resident**, asked if the lawsuit is only against the City of Brawley and not the owners?

**Bill Smerdon, City Attorney**, clarified that the owners are defendants too. The lawsuit is for damages tenants have experienced. The City is being sued to overturn the Council's decision.

**Eric Reyes, Brawley Resident**, commented regarding the appeal and allowing the compensation to go forward. He referred to the potential of an extended timeframe, if there isn't a quick settlement.

**Bill Smerdon, City Attorney** stated that the court most likely will bifurcate the case. With a writ of mandate, one is not entitled to a jury trial. It is decided by a judge alone, so the judge might split it and get to the writ of mandate sooner than later.

**Eric Reyes, Brawley Resident**, stated that the appeal is for the decision that the City made. He referred to the point that the City Council added more mitigation. He requested clarification regarding the November 1<sup>st</sup> timeline.

**Rosanna Bayon Moore, City Manager** stated that the Mobile Home Park report made reference to a methodology and defined how payments will be approached and not the specific timeframes.

**Petra Escobedo, Brawley Mobile Home Park Tenant**, stated the meeting of two weeks ago, Veronica and AMG mentioned that the 38 families will receive payment and the 6 families are a separate matter and will not affect the 38 families. So, she questions why the six are holding up the process. At that time of the meeting between residents and AMB, Park Manager Abel was ask to relay the message to the current owners to have security because trailers are being vandalized and destroyed and not one is going to want to buy them nor want them destroyed.

**Bill Smerdon, City Attorney** stated he make contact with the attorneys and relay the message.

**Mayor Couchman** requested an an update as to next steps at the next City Council meeting. Also, he stated that it is Council's direction that City staff keep residents informed as much as possible.

- b. Discussion and Potential Action re: Request to Support a Community State in Concept and Dedicate Said Improvement at Hinojosa Park as the Miguel Miranda "El Amigo de la Comunidad" Community State.

**Eric Reyes and Billy Gallegos, Brawley Residents** provided an overview of the project concept. The project is proposed for 4 phases and to include the legs of the historic water tower as a feature to be incorporated as part of a future shade structure. Phase 1 is the cement/pad. Phase 2 will be the stage. Phase 3 will be the electrical room and the final phase will be the partial removal of the tank.

The City Council **approved** the Request to Support a Community Stage in Concept and Dedicate Said Improvement at Hinojosa Park as the Miguel Miranda “El Amigo de la Comunidad” Community Stage. Project advocates were encouraged to work with City Staff m/s/c Nava/Noriega 5-0

c. Discussion and Staff Direction re: Main Street Striping

**Guillermo Sillas, Public Works Director** reported that the existing striping of Main between First St. and Palm Ave. was accomplished utilizing pavement markers as a maintenance free improvement. With time, the pavement markers in this pavement section are no longer reflective and the ceramic markers themselves have sunk. Between Palm Ave. and Best Rd., paint was applied as striping. The existing condition of the paint is marginally visible. A basic striping project to address Main Street (without reflective markers) is estimated at roughly \$45,000. To accomplish such a project, funding options include use of settlement funds (principal sum and interest) which are earmarked solely for Main Street and 8<sup>th</sup> Street.

The Council **directed** staff to provide a report at the next City Council meeting.

d. Discussion and Potential Action to Reschedule November 7, 2017 Regular City Council Meeting.

The City Council **approved** the cancellation of the November 7, 2017 regular City Council Meeting.

## **5. DEPARTMENTAL REPORTS**

a. The 2017 Cattle Call Parade Chair Protocol for Main Street was reviewed by Public Works Director Guillermo Sillas.

## **6. CITY COUNCIL MEMBER REPORTS**

**Kastner-Jauregui:** Attended Busy Bee Floral Grand Opening, Fire Station No. 2 Open House and met a Reach Air Ambulance Service Pilot.

**Noriega:** Attended Busy Bee Floral Grand Opening, Ridge Park Homes Open House, Dia de la Raza at Salico Packing Shed, the Hidalgo Society’s Dia de la Raza, the Elk’s District Meeting.

**Wharton:** Attended the Boy’s & Girl’s Combo Action, I V Food Harvest Bowl, Busy Bee Floral Grand Opening, Measure W Event at Stockmen’s. Thanked the Parks & Recreation Dept. for turning the heater on at the pool.

**Nava:** Attended Busy Bee Floral Grand Opening, Brawley Fire Station #2 Open House, Community Cleanup, ICTC Meeting and working with Republic Services on an alley cleanup.

**Couchman:** Attended Measure W Event at Stockmen’s, Boy’s & Girls Club Combo Auction, Salico Packing Shed, Hidalgo Society’s Dia de la Raza, Busy Bee Floral Grand Opening, Ridge Park Homes Open House, Community Cleanup, I V Food Harvest Bowl, Air Pollution Meeting and Morman Church in Stake Conference with City Manager.

**7. CITY MANAGER'S REPORT**            None to report

**8. CITY ATTORNEY'S REPORT**            None to report

**9. CITY CLERK'S REPORT**

a.        Reminder of League Dinner on October 26, 2017 in Calexico.

**10. CLOSED SESSION**

a.        **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

          Name of Case: Garcia v. City of Brawley

**ADJOURNMENT** @ 8:20pm

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***Alma Benavides***, City Clerk