

CITY OF BRAWLEY
December 5, 2017

The City Council of the City of Brawley, California met in a regular meeting 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 Couchman @6:00 PM**

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

Invocation was offered by **Pastor Mike Neciuk, 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/Kastner-Jauregui 5-0

2. PUBLIC APPEARANCES/COMMENTS

- a. **Marjo Mello**, City of Brawley Librarian, reminded everyone that the Angel Tea will be December 7, 2017.
- b. **Luis Olmedo**, Comite Civico del Valle, updated the City Council on AB617 policy as it pertains to air monitoring. Comite Civico is advocating to the State to secure funding for local efforts as the majority of the resources will go to the Bay Area, San Joaquin Valley, and the South Coast Air Quality Management District. He urged the City Council to contact Matt Dessert, Imperial County Air Pollution Control District Officer.
- c. **Mercedes Wheeler**, local attorney, entered her comments and concerns regarding the City Council's discriminatory practices as it pertains to the Mayor and Mayor Pro-Tempore positions to be selected.
- d. **Pat Dorsey, Retired Parks & Recreation Director** presented Certificates of Recognition to Soroptimist International Club of Brawley and the Brawley Get Together Club.
- e. **Mayor Couchman**, recognized Pat Dorsey, Retired Parks & Recreation Director, for her years of service to the City of Brawley and also proclaimed December 5, 2017 as Pat Dorsey Day in the City of Brawley.

3. SPECIAL BUSINESS

- a. Adopt Resolution No. 2017-: Resolution of the City Council of the City of Brawley, California Reciting the Facts of the General Municipal Election Held on November 7, 2017, Declaring the Results and Such Other Matters as Provided by Law.

The City Council **approved** Resolution No. 2017-48: Resolution of the City Council of the City of Brawley, California Reciting the Facts of the General Municipal Election Held on November 7, 2017, declaring the results and such other matters as provided by law. m/s/c Noriega/Kastner-Jauregui 5-0

- b. Outgoing Council Member Helen M. Noriega Comments

Tomas Oliva, representative to Congressman Juan Vargas of the 51st Congressional District, recognized CM Noriega's service to the City of Brawley.

Christian Nuñez, representative to Assembly Member Eduardo Garcia, recognized CM Noriega's service to the City of Brawley.

Mayor Couchman, presented outgoing Mayor-Pro-Tempore Noriega with a plaque commemorating her service and a bouquet of flowers from the City of Brawley.

CM Noriega commented that she is saddened to leave the City Council; she mentioned that she will still be the voice for the people who do not have a voice and will still be involved in the community. She urged the younger generations to get involved in the community and to vote during elections.

CM Kastner-Jauregui commended CM Noriega for her service and thanked her for all her help when she became a Council Member.

CM Wharton commented that she represents all voices and mentioned that she has provided a life of service.

CM Nava commented that he respects her leadership and engagement with the community of Brawley.

Mayor Couchman mentioned that Council Member Noriega's heart has always been in the right place through her countless years of representing the City of Brawley. He highlighted her impact in Parks, the Senior Center and Library.

c. Alma Benavides, City Clerk, Administered the Oath of Office to Council Members Luke Hamby and Sam Couchman

City Clerk Benavides, administered the Oath of Office to Council Members Luke Hamby and Sam Couchman

d. Incoming Council Member Luke Hamby Comments

CM Hamby thanked the City of Brawley and Citizens for their support in being elected into the Brawley City Council.

e. Reorganization of Officers

- Election of Mayor/Chairperson for the City Council, Successor Agency to Brawley Community Redevelopment Agency, Public Financing Agency and Public Improvement Corporation
- Election of Mayor Pro-Tempore for the City Council, Vice Chairperson for the Successor Agency to Brawley Community Redevelopment Agency, Vice Chairperson for the Public Financing Authority and Vice President for the Public Improvement Corporation

Mayor Couchman nominated CM Nava for Mayor and CM Wharton for Mayor-Tempore. m/s/c Couchman/Wharton 5-0

CM Nava commented that there was discussion in the community in regards to the election of Mayor and Mayor Pro-Tempore and commented that it was important to document the election process. He mentioned that they have been following a policy of the City Council to rotate the assignment.

CM Couchman added that they had been following a policy and the policy could be changed but there are no changes proposed at this time.

Helen Noriega, Brawley resident, stated she has looked for the policy and spoken to the City Manager and has

not found a written policy regarding rotation for Mayor and Mayor Pro-Tempore. She stated that the policy was prejudiced and discriminatory as history shows in the rotation of Mayor with CM Couchman, Wharton and Nava.

CM Wharton responded to Ms. Noriega's comments and stated that there is no way of devising a simple fair rotation because it is subject to re-election every two years. When an incumbent does not win re-election, the next Council Member in the rotation gets bumped up.

Luis Olmedo, Executive Director of Comite Civico, thanked CM Couchman for his time as Mayor and stated that when CM Nava served as Mayor, he made fair, well-informed decisions and added that he is in favor of CM Nava's nomination.

CM Kastner-Jauregui thanked the public for their support of her appointment as Mayor and expressed that she hopes she will gain the City Council's trust to become Mayor in the future.

CM Wharton added that he looks forward to Council Member Kastner-Jauregui's service as Mayor Pro-Tempore next year by voter count and hopes to see her as Mayor.

f. Outgoing Mayor Comments

CM Couchman commended City Staff for their hard work, the Council and his family for their support during his time as Mayor; he also thanked the citizens of Brawley for his re-election. He looks forward to working with CM Hamby to accomplish great things.

Mayor Nava added he has great respect for CM Couchman and his involvement with the community of Brawley.

CM Kastner-Jauregui added that CM Couchman has done a great job as Mayor this past year; she enjoys his mentorship and guidance so far in her term as a Council Member.

CM Wharton thanked CM Couchman for his service and leadership.

CM Hamby congratulated CM Couchman for his efforts.

City Manager Bayon Moore presented CM Couchman with a chronicle of articles published by the Desert Review and Imperial Valley Press during his time as Mayor and presented a token of gratitude on behalf of City Staff.

g. Incoming Mayor Comments

Mayor Nava thanked the City Council for his bestowing the honor of Mayor in his 11th year of serving the community of Brawley. He added that the Council is diverse and looks forward to what their combined efforts bring. He looks forward to working with CM Hamby. He is appreciative of the support his family gives during his time as Council Member and Mayor.

Christian Nuñez, 335 C Street, commented that he is happy to see the new Mayor and commented that he has a connection with the younger population of Brawley.

Recess @ 7:20pm.

Reconvene @ 7:40pm.

4. 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 Couchman/Kastner-Jauregui 5-0

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

- a. **Approved** City Council Minutes October 3, 2017
October 17, 2017
- b. **Approved** Accounts Payable: November 21, 2017
December 1, 2017

5. REGULAR BUSINESS

- a. Discussion and Potential Action re: Adopt Resolution No. 2017- : Resolution of the City Council of the City of Brawley, California Declaring its Intention to Establish City of Brawley Community Facilities District No. 2017-1 (Rancho Porter) to Authorize the Levy of a Special Tax to Provide Certain Services and Paying for Certain Incidental Expenses.

Power Point presented by **Planning Director Gordon Gaste**

A resolution of Intention is required to establish the Rancho Porter Community Facilities District CFD as required by the Imperial County Local Agency Formation Commission (LAFCO) to keep the City financially whole per the Fiscal Impact Assessment prepared for the annexation of Rancho Porter Specific Plan Area (SPA). The Rancho Porter SPA consists of approximately 277 acres and is located in the southwest quadrant of the City of Brawley, south of Main Street between Best Avenue and State Highway 111. CFD is for services only that will provide funds for police, fire and landscaping services.

CM Couchman stated his concerns with CFD's as he believes the costs should be recovered with the cost of the home rather than as an additional tax. He acknowledged that this is a condition of the LAFCO agreement.

CM Kastner-Jauregui also expressed her concerns for a CFD as the City wants to avoid CFD's in the future. She asked if they were bound to the decision or if they had the ability to revisit should a residential project come to the Rancho Porter project.

Planning Director Gaste stated that the City is bound by the LAFCO decision. He also added that when an annexation is proposed LAFCO requires a fiscal impact study to be completed to ensure the City will remain financially whole. The fiscal impact study showed that we would be deficient in certain public services because the price of housing and the tax rate in the Imperial Valley doesn't cover the cost of services.

The City Council **approved** Resolution No. 2017-49: Resolution of the City Council of the City of Brawley, California, declaring its Intention to Establish City of Brawley Community Facilities District No. 2017-1 (Rancho Porter) to Authorize the Levy of a Special Tax to Provide Certain Services and Paying for Certain Incidental Expenses. m/s/c Wharton/Kastner-Jauregui 5-0

- b. Discussion and Potential Action re: January 2, 2017 Regular City Council Meeting Date

The City Council approved that the next City Council Meeting will take place on **Wednesday, January 3, 2017**. m/s/c Kastner-Jauregui/Hamby 5-0

6. DEPARTMENTAL REPORTS

- a. Monthly Staff Report for December 2017 and 2018 City of Brawley Calendar by Shirley Bonillas, Personnel & Risk Management Administrator

7. INFORMATIONAL ITEMS

- a. Record of Building Permits for October 2017, Prepared by Oscar Escalante, Interim Building Official

8. CITY COUNCIL MEMBER REPORTS

Hamby: Met with Mayor Nava and took a tour of the Wastewater Treatment Plant, Police Department, Fire Department, and Water Treatment Facility.

Kastner-Jauregui: Toured the Water Treatment Facility with Council Member Hamby, attended Lalo's Catering Grand Opening and Imperial Valley Cancer Support Center Fundraiser at Stockmen's Club.

Wharton: Wished everyone Happy Holidays.

Couchman: Attended Lalo's Catering Grand Opening and the Imperial Valley Cancer Support Center Fundraiser.

Nava: Toured Fiesta Tortillas along with County Supervisor Ryan Kelley and the owner Ray Armenta. Also invited Dale and Mike Pierson of Pierson Brothers Winery. This is wine made of local honey. Also met with Ryan Brandt at his new location and introduced him to the Pierson Brothers. It looks like a wine tasting event may take place in the near future.

9. CITY MANAGER'S REPORT

- a. Fire Chief Peraza has been deployed to the Creek Fire in San Bernardino.
- b. The City will be sending formal correspondence to Assembly Member Eduardo Garcia re: his assistance with securing funding for Hinojosa Park ADA upgrades.
- c. The City is working in cooperation with the Rotary Club on Rotary Park improvements.
- d. The Adams Park Subdivision will be an item on the agenda at the next City Council meeting.
- e. There has been communication with City Staff and the County of Imperial in regards to the need to install an antennae tower to improve connectivity between County facilities along Main Street. The conventional pathway involves a Conditional Use Permit process. Community concerns are likely to arise with reference to the aesthetics of the tower. The County has indicated that the tower would be a short term approach and the final solution is fiber-optic installation that will run with IID poles. City staff have requested formal communication that commits the County to a specific timeframe. The City may then consider a government exemption and potential bypass of the CUP requirement.

10. CITY ATTORNEY'S REPORT None to report

11. CITY CLERK'S REPORT None to report

12. CLOSED SESSION

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Garcia v. City of Brawley

ADJOURNMENT @ 8:20pm

Alma Benavides, City Clerk