

CITY OF BRAWLEY
February 6, 2018

The City Council of the City of Brawley, California met in 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 Nava** @6:00 PM

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

Invocation was offered by **Council Member Hamby**

Pledge of Allegiance was led by **Xen Jones**

1. APPROVAL OF AGENDA

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

2. PUBLIC APPEARANCES/COMMENTS

- a. **Tim Kelley, Brawley Community Foundation**, updated the City Council on the Brawley Theater and informed the City Council that they had finished demolition. They will have an onsite press conference on Thursday, March 1, 2018 in order to raise funds for remodeling. He also updated the Council on the IVEDC efforts and mentioned that they are encouraging a dig once policy to alleviate the cost when it comes to installing additional services. They encourage all agencies to coordinate with utility companies when trenching to install services.
- b. **Xen Jones, Brawley resident** approached the City Council to encourage the City to request address of Carter Road from Webster to Forrester Road. While the road isn't within the City of Brawley, it is used by the citizens of Brawley. He encourages the City to submit a work order form to the County of Imperial.
- c. **Kay Pricola, Brawley resident**, reminded the City Council of her plea to use relinquishment funds for a their intended purpose. She mentioned that she sent a letter in behalf of COLAB on December 29th and wanted to follow up on it.
- d. **Carmen Araujo, Brawley resident**, urged the City to continue fixing Main Street with the relinquishment funds. She added that there needs to be growth towards Highway 111 instead of the Highway 86 corridor. She also added that there needs to be a truck stop and restaurant at the end of City Limits on Highway 111.

Mayor Nava mentioned that the City Council doesn't typically respond to the public during Public Comments but he did want to inform everyone in the audience that the City is working with a Pilot Travel Center coming to the City on Highway 111. In addition, a plan for improvements to downtown is underway.

- e. **Erik Reyes, Brawley resident**, wanted to invite the City Council to a rally being held at 4pm at the Pure Gro Site prior to the Public Meeting. He also encouraged the City Council to submit comments to the Department of Toxic Substance Control as private citizens.

- f. **Ryan Kelley, County Board of Supervisor District 4**, updated the Council on the new border wall that is being installed along the New River in Calexico. This is not part of the President's border wall but a wall that was already planned. He also said that Community Benefit Funds are now open for applications.

3. SPECIAL PRESENTATIONS

- a. **Simon Canalez**, Brawley Union High School District Superintendent

Simon Canalez, Superintendent provided a Power Point Presentation to the Council and audience in regards to the District's different programs being offered, progress, and changes that will be seen in the future. An invitation was extended to the City Council for the Borderlink Project Ribbon Cutting with ICOE, BUHS and the State Superintendent on Friday, February 9, 2018 at 1:30pm at the main campus.

- 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 Wharton/Hamby 5-0

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

- a. **Approved** Accounts Payable: January 19, 2018
January 22, 2018
January 26, 2018
- b. **Approved** City Council Minutes: December 19, 2017
- c. **Approved** Water Service Request Outside of City Limits to 4512 Poe Colonia Lane.

5. REGULAR BUSINESS

- a. Discussion and Potential Action to Adopt Resolution No, 2018-04: Resolution of the City Council of the City of Brawley, California Appointing Members to Fill Vacancies on Various Boards/Commissions and Committees.

Julio Jauregui was appointed to the Parks and Recreation Commission for term ending on June 30, 2018. m/s/c Couchman/Hamby 4-1 Kastner-Jauregui abstain

Discussion and Potential Action to Adopt Resolution No, 2018-05: Resolution of the City Council of the City of Brawley, California Appointing Members to Fill Vacancies on Various Boards/Commissions and Committees.

Jenny Benavides and **Victor Estrada** were appointed to the Parks and Recreation Commission for term ending on June 30, 2019. m/s/c Couchman/Wharton 5-0

Discussion and Potential Action to Adopt Resolution No, 2018-06: Resolution of the City Council of the City of Brawley, California Appointing Members to Fill Vacancies on Various Boards/Commissions and Committees.

Crystal Duran was appointed to the Library Board of Trustees term ending on June 30, 2019. m/s/c Nava/Kastner-Jauregui 5-0

b. Discussion and Potential Action to Adopt the Fiscal Year 2018/19 Overall Budget Schedule.

The Public Meeting Schedule was **approved** for the 2018/2019 Budget Process. m/s/c Couchman/Wharton 5-0

February 20, 2018	Mid Year 2017/2018 Budget Review 6PM at City Council Chambers 383 Main Street
February 26, 2018	Strategic Planning Session 5PM at City Council Chambers 383 Main Street
April 23, 2018	General Fund Workshop No. 1 5PM at City Council Chambers 383 Main Street
May 15, 2018	Enterprise and Special Funds Workshop No. 2 4PM at City Council Chambers 383 Main Street
June 19, 2018	Overall Budget Adoption 6PM at City Council Chambers 383 Main Street

c. Discussion and Potential Action to Approve the Request to Co-Sponsor the Mobile Consulate Event on February 24, 2018 from 9am to 5pm at the Main Branch Library.

Marjo Mello, Library Director/Interim Parks & Recreation Director provided an overview on the event. The Mexican Consulate provides services to Mexican nationals who need assistance with a wide range of topics, including Mexican passports, Consular IDs, birth certificates, information on immigration, family, civil and penal law, education services and scholarships. The Mobile Consulate aims to bring services to an easily accessible location and encourage resolution of common issues affecting local residents.

CM Hamby asked if they would be required to submit their own event insurance or if they would be required to leave the cleaning deposit. He also inquired of what happens to cleaning deposits.

Rosanna Bayon Moore, City Manager responded that since it would be a co-sponsored event the event would be covered under the City's insurance and the City would be liable. In regards to the cleaning deposit, if there were anything left behind or carpets had to be cleaned because of the event, it would be deducted from the deposit.

CM Hamby commented that if they were a nonprofit, the situation would be different, but since they are a government entity they should be providing the deposit and insurance.

CM Couchman mentioned that the event is a benefit to the community of Brawley and they should continue sponsoring the event. There has been a good turn out in the past.

CM Kastner Jauregui asked if we have had problems with this event before.

Rosanna Bayon Moore, City Manager responded that City has had no issues in the past. The insurance is to cover should anyone if they slip or fall. She also mentioned that there have been the same arrangements extended to other agencies working in the region.

The City Council **approved** the Request to Co-Sponsor the Mobile Consulate Event on February 24, 2018 from 9AM to 5PM at the Main Branch Library. m/s/c Wharton/Kastner-Jauregui 4-1 Hamby No

- d. Discussion and Potential Action to Adopt Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California Accepting Substituted Bonds for the Malan Park Subdivision.

Guillermo Sillas, Public Works Director, stated that Inland Valley Investments, LLC is in escrow to purchase and develop the Malan Park Subdivision. As a condition of the sale, the current owner, K. Hovnanian Forecast Homes Southern, Inc., requires that the buyer expeditiously substitute the bonds currently on file with the City of Brawley. The City required the original developer, K. Hovnanian, to post bonds as security to guarantee the construction of certain offsite improvements which are a condition for the recordation of the Final Map.

Rosanna Bayon Moore, City Manager stated that this item is being brought to the City Council in order to speed up the escrow process for Charlie Schreiber, the new Ower/Developer.

Bill Smerdon, City Attorney, added that the City will be in a better position with the updated bond amounts as the current amounts are based on 2006 pricing.

CM Hamby asked if there would be additional improvements required.

Bill Smerdon, City Attorney, said that typically additional improvements are not incorporated but bond amounts are adjusted.

The City Council **approved** Resolution No. 2018-07: Resolution of the City Council of the City of Brawley, California Accepting Substituted Bonds for the Malan Park Subdivision. m/s/c Couchman/ Kastner-Jauregu 5-0

- e. Discussion and Staff Direction re: the Preparation and Submittal of a Comment Letter on the Proposed Remedial Action Plan for the Former Puregro Facility Located at 1025 River Drive.

Rosanna Bayon Moore, City Manager, stated that based on feedback from the last public meeting, more airtime was requested for alternative options. She requested guidance on what type of formal comment letter the City Council would like to see the City present after the community meeting. She described the option that City Staff could work with an outside party to assist with developing alternatives for DTSC's consideration.

CM Wharton mentioned that there was very little discussion as far as the alternatives. His interest is in seeing the science and some of the research of the alternatives as it is not the first time that dirt has been removed. This would help to prepare City Council recommendations. It was also noted that the public needs to know the City can weigh in heavily but ultimately this decision and the jurisdiction lies with a different agency.

CM Couchman asked if it would be more valuable if content was ready for the hearing to present to them or would it be better to wait until the meeting occurs and then give input based upon feedback from the entire meeting. He noted that residents in the area are asking for removal of the material.

Rosanna Bayon Moore, City Manager, mentioned that the deadline for commenting is February 23, 2018 so there is one more Council meeting at which a letter could be acted upon. The issue gets maybe a little fuzzy as the property is zoned Light Industrial Commercial so the property will be remediated to a standard that is for Light Industrial Commercial as DTSC has expressed, from a regulatory point of view, they cannot require anything beyond that. If the desire is for a residential standard to be met, the City would need to work with the City Attorney on what type of legal standard could be applied to achieve that.

CM Wharton stated that he has not heard that it needs to achieve that standard. The City, itself, needs to feel comfortable that mitigation implemented has removed the risk and ensure it is done in the safest way possible.

CM Couchman stated that what resident want done is to return the property to the residential standard. The City is in an odd position where we can't win this argument because what DTSC is saying is they don't have to return it to residential. Their argument is from a scientific basis, either one of the alternatives is correct. While the property isn't residential, it abuts residential. The letter should argue that it affects residential and the City would like to see it brought to a certain standard.

Rosanna Bayon Moore, City Manager, stated that science demonstrates that standards are met with either scenario but one scenario costs 7 million dollars and meets the same industrial standard as the cap in place alternative, which is about 3.8 million dollars. This is why staff direction is so important to receive. When she explored with DTSC what mitigation might be considered beyond the minimum required, DTSC stated they can't impose more. It has to be negotiated.

Mayor Nava said Council only has one chance to do it right. If residents of the area feel stronger about one alternative, that is the direction City Council should take. TH City Council has given direction to City Staff to prepare a letter with initial comments to be presented at the meeting and a follow up letter to be formally submitted prior to end of the comments.

Jerry Gauna, Brawley resident in the area, mentioned that he has a petition with over 200 signatures in support of the complete removal of the contaminated soils.

Eric Reyes, Brawley resident, mentioned that they want continued negotiations to mitigate the site and they don't want this to be the final solution. Chevron has had about 150 meeting/consultations with DTSC and this is the first meeting they are having with the community. The final solution that citizens want is a 4 million dollar difference which is a drop in the bucket for Chevron.

Humberto Lugo, Brawley resident, stated that he grew up about 200 feet from that facility and remembers the smell of ammonia when walking to school. He stated he is echoing Mr. Reyes' comments and added that he wants the complete removal of the dirt.

Tony Gallegos, Brawley American Citizens Club Representative, stated that Mr. Reyes and Mr. Gauna have been working on the petition. He requested that all City Council be present and take a strong position at the Community Meeting.

Luis Olmedo, Executive Director for Comitè Civico, stated that he hopes the City is aggressive in their position as there is evidence that this is a multimedia issue from pesticides, toxins and water quality issues that other agencies should be responding to and they are not.

Lupe Navarro, Brawley resident, mentioned that Puregro started in the 1940s and was in business for about 60 years. In 2001, the buildings and structures were demolished and the site has been vacant and fenced. In 2006, with oversight from DTSC, about 15,000 cubic yards of contaminated soil was removed from the vacant lot where the houses are going to be built. Of those 15,000 cubic yards of contaminated soil, only 5 cubic yards were removed, transported and disposed of in an approved landfill. The remaining 14,500 cubic yards of soil was spread over the entire property where the 138 homes will be built.

f. Discussion and Staff Direction re: the Formation of Various Ad Hoc Committees to Address Priority Policy Areas as Requested by City Council Member Luke Hamby.

CM Hamby mentioned that he would like to set up 4 Ad-Hoc Committees for the following items: Fireworks Ordinance to educate the public, Pigeon Ordinance as it relates to health, nuisance and owner accountability on several downtown buildings; Pigeon Abatement / Birth Control and Blight Mitigation in the Downtown.

Discussion ensued amongst the City Council to determine the proper protocol for such Ad-Hoc committee creation and if the committees would be needed or if there is a better avenue to resolve CM Hamby's concerns. It was

decided that Mayor Nava and CM Hamby would meet tomorrow at 3pm to discuss all CM Hamby's concerns and develop a more concrete plan to target each issue effectively.

6. PUBLIC HEARING

- a. Discussion and Potential Action to Approve Formation to Establish Community Facilities District (CFD) 2017-01 for Rancho Porter Specific Plan Area.
 1. Approve 1 st Reading of Ordinance No. 2018- : Ordinance of the City Council of the City of Brawley, California Acting in its Capacity as the Legislative Body of City of Brawley Community Facilities District No. 2017-1 (Rancho Porter), Authorizing the Levy of a Special Tax Within the Community Facilities District.
 2. Adopt Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California Establishing the Community Facilities District No. 2017-1 (Rancho Porter), Authorizing the Levy of Special Taxes and Calling an Election Therein.
 3. Adopt Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California Acting in Its Capacity as the Legislative Body of the Community Facilities District No. 2017-1 (Rancho Porter), Certifying the Results of the January 16, 2018 Special Tax Election.

Rosanna Bayon Moore, City Manager informed Council that this item needs to be continued to March 6, 2018.

7. DEPARTMENTAL REPORT

- a. Record of Building Permits for December 2018 in the City of Brawley, prepared by Oscar Escalante, Interim Building Official
- b. Monthly Staff Report For February, 2018 - Shirley Bonillas, Personnel & Risk Management Administrator
 1. Informed Council that the Brawley Employee Appreciation Luncheon will take place on Wednesday, March 21, 2018 from 11:30 to 1:30 at Hidalgo Hall.

8. CITY COUNCIL MEMBER REPORTS

Hamby: Attended New Council Member Training in Sacramento, Installation of Officers Dinner/Dance at Hidalgo Hall, Pioneer Day at the Imperial Valley Museum and met with a citizen from Calipatria re: lighting, striping and street issues in Brawley. Improvements have started at Jeff Thornton Park. Announced he is available and accessible to the public for meetings throughout the City. Asked if there was a Tree Program for disadvantaged communities? **Rosanna Bayon Moore, City Manager** gave a brief update on that topic. Stated he has received questions about the repaving schedule for 8th Street/ Highway 111. Asked for City Staff Directory and for City staff to ensure the minutes and agendas are available online for various Committee/Boards/Commissions. Requested a future City Council Agenda item regarding making Brawley more Business Friendly.

Kastner-Jauregui : She and CM Wharton have been meeting as the Ad-Hoc Committee to update the City Council Norms & Procedures. Attended the Installation of Officers at Hidalgo Hall, visited with business owners and have referred some to the Chamber of Commerce. Attended meeting with the Chamber of Commerce and Parks and Recreation

Commission Meeting as the Alternate Liaison. Attended the United Way Horse Race Fundraiser, Ricochet Raceway Mixer, Pioneers Memorial Hospital Ribbon Cutting for the Surgical Center Expansion and visited different City Offices with the City Manager.

Couchman: Attended the Chamber Meeting, Ricochet Raceway Mixer, Pioneer Days, Installation of Officers at Hidalgo Hall, United Way Horse Races, 5th Grade Career Day at Westmorland School, Pioneers Memorial Hospital Ribbon Cutting for the Surgical Center Expansion. Dancing with the Stars will take place on May 11, 2018 at St. Mary's Parish in El Centro.

Wharton: Updated Council on the Strategic Planning Meeting at the library, attended Installation of Officers for Hidalgo Hall, met with Ad-Hoc Committee Member for update on Council Norms and Procedures, Candidates Workshop with COLAB, Pioneers Memorial Hospital Ribbon Cutting, going away party for Ruby Walla, Finance Director at Las Chabelas. Hoping to bring findings of Downtown Improvements to the Strategic Planning Meeting and working with City Manager on fixing the snack bar window at Volunteer Park ahead of the Little League Season.

Nava: Attended the Pioneers Memorial Hospital Ribbon Cutting for the Surgical Center Expansion, Imperial Valley College Round Table, Installation of Officers at Hidalgo Hall, Candidates Workshop at COLAB, Strategic Planning Meeting at the Library. Working on items from the Downtown Specific Plan, informed/discussed a possible Gateway Arch concept will be sent to the Holt Group for Visual Renderings after a budget adjustment has been approved.

9. CITY MANAGER'S REPORT

- a. Updated the City Council on the Homeless Count performed by various city departments and Siemens audit of water meters.
- b. Informed the City Council re: site visits conducted with ICTC/IVEDC and the EPA.

10. CITY ATTORNEY'S REPORT

- a. He and a partner have teamed up to keep the Karate Studio across the street open after Mr. Garcia's retirement.

11. CITY CLERK'S REPORT

- a. Reminder of State of the City Breakfast, Friday, February 16, 2018 at the Stockmen's Club starting at 7:30am.

12. CLOSED SESSION

POTENTIAL LITIGATION (C.G.C. Section §54956.9)

- a. Conference with Legal Counsel - Two (2) Cases

EXISTING LITIGATION (C.G.C. Section §54956.9)

- a. Conference with Legal Counsel - One (1) Case Name of Case: Garcia v. City of Brawley

PERSONNEL MATTERS (C.G.C. §54957)

- a. Public Employee Appointment to the Position of Finance Director
- b. Public Employment Appointment to the Position of Planning & Community Development Services Director

REAL PROPERTY MATTERS (C.G.C. Section §54956.8)

- a. Conference with Real Property Negotiators
Address: 575 J Street, Brawley, CA
Negotiator: Rosanna Bayon Moore, City Manager
Negotiating Parties: Catholic Charities, Diocese of San Diego Under Negotiation: License Agreement

13. RE- CONVENED IN OPEN SESSION

PERSONNEL MATTERS (C.G.C. §54957)

- a. Ratification of Public Employee Appointment of Rosa Ramirez as City of Brawley Finance Director
m/s/c Nava/Couchman 5-0
- b. Ratification of Public Employee Appointment of Gordon Gaste as Development Services Director
m/s/c Couchman/Wharton 5-0

REAL PROPERTY MATTERS (C.G.C. Section §54956.8)

- a. Approval of License Agreement with Catholic Charities, Diocese of San Diego re: 575 J Street, Brawley, CA
m/s/c Wharton/Couchman 5-0

14. ADJOURNMENT

Next Regular Meeting, **Tuesday, February 20, 2018 @ 6:00 PM**, 383 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.

ADJOURNMENT @ 9:31pm

Alma Benavides, City Clerk