

CITY OF BRAWLEY
July 17, 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 @ 6:01 PM**

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

Invocation was offered by **Mayor Nava**

Pledge of Allegiance was led by **CM Kastner-Jauregui**

1. APPROVAL OF AGENDA

The agenda was **approved** as amended. m/s/c Nava/Kastner-Jauregui 5-1 Couchman absent

Item No. 3-b: Approve City Council Minutes: April 17, 2018, May 1, 2018, May 29, 2018, June 5, 2018 and June 19, 2018 were **delayed for action at a future meeting.**

Item No. 4-g: La Paloma Subdivision Unit 1 – Request to Release Building Permits for Model Homes Prior to Bonds in Place was **withdrawn by applicant.**

Item No. 6-a: Park Restoration Proof of Concept at Hinojosa Park. **This item was moved from Council Member Report to Regular Business.**

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. **Marjo Mello, Interim Parks & Recreation Director**, announced that on Friday, July 20th from 10am to 12pm there will be a free swim opportunity at the Lions Center.
- b. **Gordon Gaste, Development Services Director**, introduced newly hired Building Inspector David Treviño.
- c. **Ryan Kelley, County Board of Supervisor District #4** updated the City Council. 1) The Local Health Authority RFP was issued for 5150's. Clinical Psychiatric Care is coming to Imperial County. 2) Election improvements are currently being pursued. The County will be creating a committee of 16 members with 7 seats represented by the cities. The goal is to make improvements on election updates available to the public, public expectations, recount requests and electronic posting within 24 hours. 3) The County of Imperial recently awarded \$6.5 million

dollars - \$5M for a new Niland Fire Station / Cool Center, Sheriff's Substation and \$1.5M for a Water Line Replacement project in Seeley.

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 amended. m/s/c Nava/ Kastner-Jauregui/ 5-1 Couchman absent

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

- a. Approve Accounts Payable: July 2, 2018
July 6, 2018
July 13, 2018
- b. Approve Resolution No. 2018-44: Resolution of the City Council of the City of Brawley, California Amending the Bernardo Padilla Assessment District Commencing with FY 2018/2019.

4. REGULAR BUSINESS

- a. Discussion and Potential Action to Adopt Brawley City Council Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California In Support of the Memorandum of Understanding Between the County of Imperial and the County of Riverside on the Salton Sea.

Mayor Nava stated that with respect to Riverside County, they are a much larger County. If Brawley supports the concept and the City is working with Riverside County, there will be a stronger voice in Sacramento. Is there any local opposition to this proposal?

Ryan Kelley, County Board of Supervisor District #4, stated that when the Board of Supervisors discussed the topic, two members expressed some interest in having the conversation delayed so questions could be answered. Subsequently, one voted in favor of the MOU. The other still wanted more information.

CM Kastner-Jauregui inquired about the \$80 million figure. Is that still the reference point? Has any of that money been allocated for the Salton Sea or spent?

DS Kelley said that \$23 million has been allocated for overhead expenses associated with staffing the work on Salton Sea.

The City Council **adopted** Resolution No. 2018- 45: Resolution of the City Council of the City of Brawley, California in Support of the Memorandum of Understanding between the County of Imperial and the County of Riverside on the Salton Sea. m/s/c Nava/Kastner-Jauregui 5-1 Couchman absent

- b. Discussion and Potential Action to Approve the Brawley Chamber of Commerce’s Request on Behalf of the Cattle Call Queen Royalty Association to Sell and Consume Alcohol at the Lions Center on October 13, 2018 from 5:30PM to 11PM.

Marjo Mello, Interim Parks & Recreation Director, commended Dana Mendoza on efforts to revive the program, startup of a new organization and recruitment of Cattle Call Queen Court prospects. The proposed venue for the Queen Coronation is the Lions Center. As part of the event, alcohol sales and consumption are proposed. Over the years, alcohol has been excluded from the Lions Center facility.

Katie Luna, Chamber of Commerce Executive Director stated that the Queen competition is more than just a contest. Actually, it is an avenue for teaching young ladies how to participate in horsemanship and how to conduct oneself in public. The Chamber has committed to assisting the association with their establishment until they are fully equipped to run on their own. This year, as part of the collaboration, the Chamber is assisting with permits and the ABC license.

Dana Mendoza, Cattle Call Queen Association President, stated she has been involved for approximately 25 years. The event is part of a 10 week process. The alcohol permit is something that is needed for the evening. However, the point of the event is supporting the applicants. The queen competition has not had more than 5 applicants in probably 10 years. This is the organization’s first year and organizers want to keep the event in Brawley. Attendance is estimated at 300-350 people. This is the only place in Brawley in October that provides a comfortable venue.

CM Wharton commented on the nature of the location and its history of no alcohol. He is aware of one prior exception. He asked if other venues within the Brawley City limits have been eliminated.

Ms. Mendoza indicated that the event has been held at the arena in the grassy area but October’s weather has been unpredictable and due to the heat and wind in the past few years, the Lions Center is the best location.

Mayor Nava stated that he has no objection. The event is during Cattle Call and the City has not experienced any issues with alcohol consumption.

CM Kastner-Jauregui indicated that personally she would like to retain the event in City limits as Brawley is known for Cattle Call. She expressed support for making an exception for this event.

CM Hamby stated that he appreciates the fact that the competition is being resurrected and expanded. He has concerns about setting a precedent in the Lion Center for alcohol consumption. There are many traditions in Brawley. He appreciates the idea of having Brawley as the location and what both the Chamber and Cattle Call Queen Association are trying to do.

The City Council **approved** the Brawley Chamber of Commerce’s Request on Behalf of the Cattle Call Queen Royalty Association to Sell and Consume Alcohol at the Lions Center on October 13, 2018 from 5:30PM to 11PM. m/s/c Kastner-Jauregui/Nava 3-2 Hamby Naye and Couchman absent

- c. Discussion and Potential Action to Approve Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California Appointing Members to the Brawley Airport Advisory Commission with Terms Ending June 30, 2020.

The City Council **approved** Resolution No. 2018-46: Resolution of the City Council of the City of Brawley, California Appointing Members to the Brawley Airport Advisory Commission with Terms Ending June 30, 2020. m/s/c Nava/Wharton 5-1 Couchman absent

Brawley Airport Advisory Commission

1. Brian Floyd
2. Tim Kelley
3. Peter Osterkamp

d. Discussion and Potential Action to Approve Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California Appointing Members to the Brawley Library Board of Trustees with Terms Ending June 30, 2021.

The City Council **approved** Resolution No. 2018-47: Resolution of the City Council of the City of Brawley, California Appointing Members to the Brawley Library Board of Trustees with Terms Ending June 30, 2021. m/s/c Wharton/Kastner-Jauregui 5-1 Couchman absent

Brawley Library Board of Trustees

1. Judy Grant
2. Diana Lohr
3. Dixie Smith

e. Discussion and Potential Action to Approve Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California Appointing Members to the Brawley Parks & Recreation Commission with Terms Ending June 30, 2021.

The City Council **approved** Resolution No. 2018-48: Resolution of the City Council of the City of Brawley, California Appointing Members to the Brawley Parks & Recreation Commission with Terms Ending June 30, 2021. m/s/c Wharton/Hamby 3-2 Kastner-Jauregui abstain and Couchman absent

Brawley Parks & Recreation Commission

1. Andrew Colace
2. Julio Jauregui
3. Mary Miller

f. Discussion and Potential Action re: Brawley Chamber of Commerce Bylaw Changes - Term Limits for Non-Voting, Ex-Officio City Council Representative.

Mayor Nava commented on the non-voting status. He inquired about the previous status and the reasoning behind the change.

Katie Luna replied that the Chamber’s bylaws do not specify whether the City has a voting or non-voting status.

CM Hamby asked if this is a similar arrangement with the other boards, commissions and committees at which an appointee serves as a Council Liaison.

Mayor Nava stated that typically the City has a voice and vote on any other board.

Katie Luna stated that she will further review the matter at the next board meeting.

The City Council **appointed** CM Kastner-Jauregui as the Delegate and CM Hamby as the Alternate to the Brawley Chamber of Commerce Board. m/s/c Wharton/Kastner-Jauregui 5-1 Couchman absent

g. Discussion and Staff Direction re: Former PureGro Site Located at 1025 River Drive and Engagement of Center for Creative Land Recycling (CCLR).

CM Bayon Moore stated that the City submitted a comment letter to the Department of Toxics and Substance Control (DTSC) asking for the engagement of outside technical assistance to aid the community in defining community benefits and developing a meaningful remediation action plan. Chevron has agreed in concept. DTSC has agreed in concept, as have community stakeholders. There are some timing concerns. There is interest in moving rapidly but the challenge is engaging CCLR on DSTC terms. A rough scope of work was drafted by CCLR. DTSC and Chevron are requesting that the City be the organization that contracts with CCLR. DTSC placed the request in writing. The City requested that Chevron do the same.

The City's position to date is that the CCLR process needs to be fully integrated with DTSC efforts as the lead agency. City staff are concerned that if the City engages CCLR and is not the entity responsible for determining the outcomes, CCLR's final work product may not be fully considered.

Eric Reyes, Brawley resident stated bringing on another entity will further delay the process. This is something that is not needed. The community is clear on what it wants and demands. The City is giving another layer of protection to DTSC and Chevron to get away from responsibility. What is CCLR going to bring to the table that Comite Civico and other stakeholders cannot bring? CCLR will delay the process, not improve it. The community wants DTSC to stand up to Chevron and advance the community's demands.

Alex Solis, Comite Civico del Valle, stated that this issue is extremely personal. Decisions on how to resolve this neighborhood issue should be decided by the people who reside in the area. The City's support is needed to help remove this toxic site for good.

Mayor Nava commented that that City Council has stated publicly its support for the community's request. He still stands by that statement. The City needs to move forward and see remediation of the site advance sooner than later.

CM Bayon Moore mentioned that the reasons for CCLR's engagement is not to overstep community participation locally. It is to translate community desires into the language that DTSC will accept and Chevron will accept. The primary features include things such as removal of the stockpile. They could also include creating a buffer zone. There are features that work in other places. If community focus is on having the most extensive cleanup that can be accomplished, there may be ground to negotiate. That is the reason the City submitted the letter asking the engagement of CCLR. The City has been asked to engage the entity and be reimbursed - as opposed to embedding that activity in the regulating agency which is DTSC.

CM Hamby followed up on Mr. Reyes' comments regarding moving forward and potential litigation.

Eric Reyes, stated that the City involvement in legal action is not the initial premise. There are other people who will take this on. The community expects City support. The City has a responsibility to review potential litigation and possibly join.

CM Kastner-Jauregui indicated that with the information that was shared by the City Manager, what can the City do to speed up the process and move forward with CCLR? The City doesn't want to be want to host the contract. What can the City do at this point?

CM Bayon Moore said the City can either decline DTSC's request or change course and agree to be the entity that contracts CCLR. The City would then devise a strategy for DTSC's guaranteed integration of CCLR's body of work.

Mayor Nava commented that DTSC's letter indicates it may not even be CCLR that is ultimately involved if DTSC goes out to bid the work. That could have the effect of further delays.

CM Kastner-Jauregui inquired if there is a possibility of re-engaging with the State Senator and Assembly Member to see if we can get DTSC to move on this.

Mayor Nava said holding the line is an option. The City has stated support of community stakeholders' demands and a remediation plan that includes stockpile removal.

CM Wharton indicated that the City provide an update asap.

CM Bayon Moore confirmed the direction received. New information will be shared with the City Council as soon as it is available. The City will continue to decline to be the host agency for the CCLR engagement.

h. Park Restoration Proof of Concept at Hinojosa Park

YouTube Presentation – **Luke Hamby by Council Member**

CM Hamby proposed deep core Drill & Fill work to occur at Hinojosa Park, alongside efforts underway at Parks & Recreation. Compaction of the existing soil and the clay found beneath it makes water either sit on top or percolate down to the clay and then stop.

A Drill & Fill approach with a \$5,000 budget would provide the City with the chance to compare results from a simple aeration approach. A machine would drill holes from 8 to 18 inches deep, extract material and inject sand in the holes. This would allow for better drainage, better percolation and a place for grass roots to fill in.

Miguel Perez, Parks & Recreation Supervisor commented on instituting a regular aeration schedule. He indicated that it will help a great deal with grass coverage to fill in dirt areas.

CM Hamby stated he would like to engage volunteers from the community to help out on the handball courts. Parks and Recreation recently repainted the courts. Layer upon layer of paint and plaster create a very heavy texture that interferes with play.

CM Hamby stated that there is plenty of evidence to show that more trees and grass raise property values and cool down neighborhoods. The proposed improvements would enhance Hinojosa Park. As as a proof of concept, the results would show what may be accomplished in other parts of the City.

Mayor Nava stated that part of the issue that is City facilities is heavy use. Significant improvements have been possible with grant funding and from local sources. He requested that Marjo Mello describe what Parks and Recreation is currently working on in terms of priorities.

Marjo Mello, Interim Parks & Recreation Director that the state of the grass at Hinojosa is due to construction activity and re-routing of sprinklers. Staff have developed an aeration and fertilizer schedule. Parks & Recreation Commissioner Julio Jauregui has been instrumental in getting substantial donations of fertilizer and seed.

Also, the electrical panels are being upgraded for the lights at Hinojosa Park. The handball courts were repainted. A lead based paint assessment would be needed prior to any removal and resurfacing work. Four trees were completely removed from the park.

With reference to the aeration schedule, Hinojosa Park will be a focus because of the timing of being between sports seasons. City staff will also be working on Merserve Park. This work will be taking place within the next two weeks. This work was recently undertaken at Abe Gonzalez Park in between the softball season and T-ball season. Del Rio and Guadalupe Parks will follow. Then, City staff will focus on Cattle Call. Grass gets cut 4 times per week at all the parks.

CM Kastner-Jauregui, stated support for the drill & fill concept. Having parks that look like golf courses would be great. Based on the video, it looks like something that would be a wise investment. She noted that that the 2018-19 budget has not yet been adopted.

Mayor Nava asked will this be a group that works themselves?

CM Hamby said that the drill & fill work is performed by a company. Irrigation would be accomplished by either volunteers or Parks & Recreation employees.

CM Bayon Moore stated that public projects require the payment of prevailing wage and anything that projects in excess of \$5,000 require a formal public bidding process. Perhaps this is a project to be undertaken in the next fiscal year and it could be considered as part of the budget discussions that have yet to be complete.

With reference to the handball courts, the City team looked at ways to piggyback on the existing contract with Masters Constriction at Hinojosa Park and George Mitchell Builders at the Senior Center with remainder of funds. The complication at the handball court is the need to do lead-based paint testing and go through that whole process that is associated with it. The City cannot just assign volunteers to go and scrape. There are required steps for the use of the funds, overall project management issues with timing and the juggling of daily workload.

CM Hamby asked how complicated and time consuming is a lead test for that paint? **CM Bayon Moore** said the City would need to secure an outside firm. The City does not have in-house capability to do it.

CM Hamby inquired about simply taking a fleck of the paint and sending it to a company that does testing.

Miguel Perez, Parks & Recreation Supervisor stated it is outsourced. It takes anywhere from a week to a month to schedule. They get the samples, do proper sealing, and go out and test.

Mayor Nava asked do you have an idea of what would it cost?

Miguel Perez said it could run anywhere from \$700-\$1500, depending on what they find. He approached a sandblasting company. They would have to go through the process of getting the test and they charge by square footage to sandblast the wall.

With reference to aeration, the City has undertaken a similar approach with BUHS at the baseball field. They brought in dirt that's left over from the carrots out of Westmorland. Four loads of carrot dirt was spread by staff with small equipment. It worked well. The aerating take place prior and then the carrot dirt is scrape in. This is another idea that works and is cheaper.

CM Kastner-Jauregui asked if it is sandy dirt? **Miguel Perez stated** yes, it is sandy dirt.

Mayor Nava stated he has used carrot sandy dirt on different housing projects. He throws seed on it and everything grows on it. That is another alternative.

CM Hamby stated continued concern with compaction. Underneath, eventually the grass does not have anywhere to grow. It is certainly better than not doing it. If the City cannot find room for a \$5,000 allotment to test drill & fill, carrot dirt is better than nothing.

As far as the handball courts, **CM Hamby** looked at other options for just encapsulating using a glue method and then stucco texture the surface. Scraping or sandblasting would then not be involved. A more expensive option is lathing over the entire wall and doing the full three coats of stucco to get it smooth.

CM Hamby would like to see lead studies done in advance for City properties. Volunteers could be used where there is no lead.

Mayor Nava said this was for presentation, so can we bring item back for discussion and for action in the near future. He would like to see the parks improved but is concerned with the cost.

CM Wharton stated he wants to commend CM Hamby for putting the time and effort in putting the presentation together. He noted that that topics like these are typically first vetted with a process that involves staff and considers the financial component. He trusts that process. **CM Hamby** was encouraged to use these channels in the future.

Mayor Nava indicated that drill & fill could lead to a big improvement to the parks. He stated that the option be further evaluated and then revisited once the budget is approved.

5. DEPARTMENTAL REPORTS

- a. Review of Brawley Municipal Code Sections for Parking & Storage of Boats, RV's and Trailers by Community Development Services Director Gordon Gaste.
- b. Update on 4th of July 2018 and Fireworks by Fire Chief Chuck Peraza and Police Chief Robert Sawyer

6. CITY COUNCIL MEMBER REPORTS

Hamby: Met with the new Police Chief Robert Sawyer, fielded questions from concerned citizens about the progress of Code Enforcement in the Downtown, attended the Parks & Recreation Meeting and the Film Commission Meeting.

Kastner-Jauregui: Received some calls most are related to issues discussed, fielded questions re: trailers parked in the driveway and future action, also about Code Enforcement in the Downtown Area, attended a seminar in regards to Finance. A monthly report with year-to-date revenue and expenses summary would be very helpful to the City Council.

Wharton: Met with the Principal of IVDRC, had some conversations with a developer who is already engaged with the City and looking to meet again. This developer is interested in one of the stagnant subdivisions.

Nava: Had an ICTC Strategic Planning Meeting and will bring some more information back to the City Council in the future re: IVEDC, attended Sylvia's Little Treasures Re-Grand Opening, toured the port of San Diego with IVEDC.

7. CITY MANAGER REPORT None to Report

8. CITY ATTORNEY REPORT

- a. Some good news at 1147 "D" Street. The court approved the receiver plan to market the house and sell it to someone who is willing to rehab. There is a least one buyer who is interested.

9. CITY CLERK REPORT

None to Report

10. ADJOURNMENT @ 8:48pm

Alma Benavides, City Clerk