

**CITY OF BRAWLEY**  
**September 4, 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 **Father Ed Horning, Catholic Communities of Brawley and Westmorland**

Pledge of Allegiance was led by **Valerie Smith**

**1. APPROVAL OF AGENDA**

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

**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. **Tim Kelley, Imperial Valley Economic Development Corporation**, introduced Tan Gao of China. He has interned with IVEDC for about four weeks and is finishing his last semester at Brigham Young University.
- b. **Marjo Mello, Library Director**, presented comments on behalf of the Friends of the Library. They are seeking to become a 501 3c which will enable them to secure grants. An organizational meeting is planned to discuss the establishment of the board and bylaws. The meeting is Thursday in the library at 6pm.
- c. **Debbie Schoeman, Brawley resident**, stated that she is unable to drive because of her eyesight. She has contacted the City several times regarding upgrades to facilities, sidewalks and crosswalks. There is a misconception that the only people that walk are criminals. That is not true. When deciding how to properly spend money for residents, she urged the City Council to think about sidewalks. It is impossible to get people from the North Side of Brawley to the South Side by Walmart and the hospital. There are no sidewalks along the highway.

**CM Wharton** suggested the City Council receive a refresh presentation on the City's Non-Motorized Transportation Plan.

- d. **Robert Sawyer, Police Chief**, introduced Brawley Police Officer Isaac Romo, and Communications Dispatchers Cynthia Valenzuela and Dennise Montano.
- e. **Mayor Nava** presented **Yolanda Barbosa, SARB Officer for Brawley Elementary School District**, with a City Proclamation declaring September 2018 as Attendance Awareness Month.

**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 Couchman/Kastner-Jauregui/ 5-0

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

- a. Approve Accounts Payable: August 16, 2018, August 17, 2018, August 24, 2018, August 30, 2018 and August 31, 2018
- b. Approve City Council Minutes: June 5, 2018 and June 19, 2018

**4. REGULAR BUSINESS**

- a. Discussion and Potential Action re: Co-Sponsorship of Mobile Mexican Consulate Event on Saturday, September 29, 2018 from 9am to 5pm at the Main Branch Library.

The City Council **approved** the Co-Sponsorship of Mobile Mexican Consulate Event on Saturday, September 29, 2018 from 9am to 5pm at the Main Branch Library. m/s/c Couchman/Kastner-Jauregui 5-0

- b. Discussion and Potential Action re: Resolution of the City Council of the City of Brawley, California Adopting the Memorandum of Understanding for Use of the Teen Center Facility from September 17, 2018 Through June 30, 2019 by the Boys & Girls Clubs of Imperial Valley.

**Misty Lee, Executive Director of the Boys & Girls Club of Imperial Valley**, introduced the staff for the Teen Center as Jonathan Hurtado and Jason Rodriguez. She stated that they will provide enriching programs focused on academics, healthy lifestyles, good character and citizenship at no cost to teens.

The City Council **approved** Resolution No. 2018-49: Resolution of the City Council of the City of Brawley, California Adopting the Memorandum of Understanding for Use of the Teen Center Facility from September 17, 2018 through June 30, 2019 by the Boys & Girls Clubs of Imperial Valley. m/s/c Nava/Wharton 5-0

- c. Discussion and Potential Action re: Resolution of the City Council of the City of Brawley, California Adopting the Memorandum of Understanding BY and Between the City of Brawley and Imperial Valley College for Use of the Brawley Senior Center from September 5, 2018 to June 30, 2020.

The City Council **approved** Resolution No. 2018-50: Resolution of the City Council of the City of Brawley, California Adopting the Memorandum of Understanding with Imperial Valley College for Use of the Brawley Senior Center from September 5, 2018 to June 30, 2020. m/s/c Kastner-Jauregui/Couchman 5-0

- d. Discussion and Potential Action re: Brawley Elks Lodge Request for Alcohol Sales and Consumption on a City Street on Saturday, October 20, 2018 from 10AM to 6PM.

The City Council **approved** the waiver of all road closure fees for Brawley Elks Lodge Request on City Property on Saturday, October 20, 2018 from 10AM to 6PM. m/s/c Nava/Couchman 5-0

The City Council **approved** the Alcohol Sales and Consumption on City Property on Saturday, October 20, 2018 from 10AM to 6PM. m/s/c Nava/Couchman 4-1 Hamby naye

- e. Discussion and Staff Direction re: Resource Management and Future Potential Cannabis Activities by Gordon Gaste, Community Services Director.

**Staff Report – Gordon Gaste, Development Services Director**

**DSD Gaste**, stated that this topic has been discussed in the past with a workshop between the Planning Commission and City Council both present. The direction given provided for a moratorium on this type of activity both for medical and recreational purposes. The City is receiving calls inquiring about the status of the moratorium. At this time, staff advises that the moratorium is in place and that Brawley has aligned with Federal Law. It is noted that a different type of product has emerged related to industrial hemp, which is legal. Derivatives of cannabis are possible from industrial hemp that do not contain a THC level above a certain amount. The seeds are controlled by Federal Law and State Government as to the production of the plant and processing of the plant. At the lower threshold, cannabidiol is produced for medicinal purposes associated with soothing and pain relief. Staff is requesting direction on future direction for medical use and/or recreational use.

**Mayor Nava** stated based on the backup material, there is a current request to dispense cannabidiol that would require a revisit of City Ordinance to allow for this activity.

**CM Bayon Moore** indicated that direction is requested as it relates to consideration of changing local ordinance. When last formally discussed, both the Planning Commission and City Council were split. This resulted in establishment of an ordinance that banned the recreational and medical purposes. The Council's options at this juncture are: 1) stay the course stay with the prohibition, 2) prepare an outreach strategy that involves both the City Council and Planning Commission to re-engage in these topics, or 3) fast track this particular subject matter. There are potential timing issues related to taxation.

**Mayor Nava** said with respect to the current request, it is to dispense cannabidiol. He inquired about the amount of time involved with review of ordinances.

**DSD Gaste**, stated that it depends on where the oil originates – is it the legal industrial hemp product or is it the Federally Illegal but California legal plant.

**CM Bayon Moore** referred to the zoning and taxation components for the sale of marijuana for recreational and medicinal purposes. Staff will seek an answer to the question of the oil's origin. If it is hemp, it is allowed. If it is not, staff will need to prepare a time estimate for zoning and taxation.

**Mayor Nava** indicated that his preference is to get additional information as to whether or not it is industrial hemp. It would answer key questions for him.

**CM Hamby** inquired if it is if derived from industrial hemp which is a Federal and Statewide legal substance, is there anything the City can do to prohibit that sale? **Gaste** stated he did not think so as long as it is made out of those products and doesn't exceed the THC threshold. If it does not go beyond the limit, it is legal at the Federal and State level.

**CA Smerdon**, stated that if it is industrial hemp, it is not a controlled substance and so it just like selling anything else. Industrial hemp is currently being grown at the research station.

**CM Hamby** said he does not know enough about CBD to know if it can be derived from hemp or not. His assumption is that the effectiveness of hemp as a medicine or topical ointment is not as great as marijuana.

**DSD Gaste**, stated there are other chemicals in hemp other than THC that may mirror the same qualities. There might be other chemicals present that are beneficial for medical purposes.

**CM Wharton** indicated that in the interest of brevity, perhaps it is best that the City pursue additional information about the request. If it is not Federally prohibited, there is potential to press forward.

**Staff direction** is to obtain additional information from the requesting party. If the origin of CBD oil is hemp, it is not necessary to review ordinances.

- f. Discussion and Staff Direction re: Community Outreach to Address Any Proposed Changes to City Ordinance for Parking and Storage of Trailers, RVs, Boats by Gordon Gaste, Community Services Director.

**Staff Report – Gordon Gaste, Community Services Director**

**DSD, Gaste** mentioned that clearly a broad range of perspectives exist and a public forum would be helpful to consider the pros and cons of various parking and storage topics. . Any proposed change to the ordinance shall require an amendment to the Zoning Ordinance which must be first discussed by the Planning Commission at a public hearing and subsequently, publicly heard at a City Council meeting. Any changes would take effect 30 days after the second reading of such ordinance. The current Zoning Ordinance restricts the storage and parking of boats, RV's, trailers or trailer coaches in residential neighborhoods. The City Council offered a 90 day reprieve in July of 2018, following public concerns raised about the existing ordinance and code enforcement efforts in City limits.

**Ed Otter, Brawley resident**, presented the result of an informal study he had conducted of Imperial County cities and elsewhere to see what restrictions were placed on owners of trailers in regards to parking.

**Staff direction** is to extend the non enforcement of City ordinance for another 90 days. In addition, staff was directed to continue researching the topic to allow for greater input from the public, sharing future scheduled dates, getting the press involved and possibly sending out a survey in the monthly water bill.

- g. Discussion and Potential Action re: Sponsorship Request for Hidalgo Society's 33<sup>rd</sup> Annual 16<sup>th</sup> of September Celebration on Saturday, September 15, 2018.

The City Council **stated** that we can buy individual tickets.

- h. Discussion and Potential Action re: Professional Services Agreement with Bachtel Wastewater Engineers for an Amount Not to Exceed \$92,600 for the Wastewater Treatment Plant (WWTP) BioSolids Class A Operational Plan, Local Limits and Pretreatment Program Support Services.

The City Council **approved** the Professional Services Agreement with Bachtel Wastewater Engineers for an Amount Not to exceed \$92,600 for the Wastewater Treatment Plant (WWTP) BioSolids Class A Operational Plan, Local Limits and Pretreatment Program Support Services. m/s/c Couchman/Wharton 5-0

**5. DEPARTMENTAL REPORTS**

- a. Summer 2018 Parks & Recreation Program Statistics, Prepared by Marjo Mello, Interim Parks & Recreation Director.
- b. Summer 2018 Library Program Statistics, Prepared by Marjo Mello, Library Director.
- d. Monthly Staff Report for August 2018, Prepared by Shirley Bonillas, Personnel & Risk Management Administrator.

- e. Audit and Budget Update, Presented by Rosa Ramirez, Finance Director.

The City is late to adopt the budget. The preparation of the Audited Financial Statements is underway but delayed due to multiple factors, including staff changes. On August 16, 2018, Dennis Lee and Phil White from the City's auditing firm, met with the City Manager, City Attorney Bill Smerdon, Assistant Finance Director Tony Godinez and Finance Director Rosa Ramirez. VTD informed the City that the audit process was being slowed down until certain pending items had been cleared. The audit process is expected to continue moving forward.

**6. INFORMATIONAL REPORTS**

- a. Record of Building Permits for July 2018 in the City of Brawley, Prepared by Oscar Escalante, Interim Building Official.

**7. CITY COUNCIL MEMBER REPORTS**

**Nava:** He will provide an update at the next meeting.

**Kastner-Jauregui:** None to report.

**Hamby:** Attended Summer Day Camp Talent Show, Coffee with a Cop, Film Commission Meeting, Brownfield Initiative Steering Committee Meeting, had a couple of calls regarding an Ordinance specifically about chickens in backyards. Had an opportunity to visit Hinojosa Park and spoke with users who were appreciative of the improvements made.

**Wharton:** Attended Coffee with a Cop and the Airport Commission Meeting and hi son's Air Force Raptor graduation. He looks to forward the annual League Conference next week.

**Couchman:** Attended Summer Day Camp Talent Show, Boys & Girls Club Welcome Back Pep Rally, Coffee with a Cop, Air Pollution Control District Meeting, Swearing In and Ms. Hanks' funeral.

**7. CITY MANAGER REPORT**

- a. Update on Travel Inn located at 300 West Main Street and Request for Extended Placement of Temporary Shade Structure was **withdrawn by applicant**.

- b. Downtown Main Street Update – Power Point Presentation\*

\* On file and available at the Office of the City Clerk.

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

**9. CITY CLERK REPORT** None to Report

**10. CLOSED SESSION**

- a. EXISTING LITIGATION  
(C.G.C. Section §54956.9)  
Conference with Legal Counsel – Four (4) Cases
  - i. Estella Velasco and Joseph Galvan vs. City of Brawley
  - ii. Maria Garcia vs. City of Brawley
  - iii. City vs. Mario Diaz

- iv. City vs. William Caldeman
- b. POTENTIAL LITIGATION  
(C.G.C. Section §54956.9)  
Conference with Legal Counsel - One (1) Case

**11. ADJOURNMENT @ 8:46pm**

---

**Alma Benavides, City Clerk**