

**CITY OF BRAWLEY**  
**January 15, 2019**

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.

**Mayor Wharton** called meeting to order @ 6:00 PM

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

Invocation was offered by **Mike Shelton, Western Avenue Baptist Church**

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

**1. APPROVAL OF AGENDA**

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

**2. PUBLIC APPEARANCES/COMMENTS**

a. 5 Year Recognition of Reserve Police Officer Matthew Leavitt

**Police Chief Sawyer** presented Reserve Police Officer Matthew Leavitt with a plaque to honor him for his volunteer work at the Police Department for the last 5 years. **Mayor Wharton** and Council Members expressed their thanks and appreciation.

b. M & M 4-H

**Patti Wilson** represents the M&M 4-H Club and their Citizenship Project. The Citizenship Project teaches young people good citizenship as well as civic engagement. Part of the project is to attend meetings of local government organizations. The club is also in attendance because a month or so ago Council Member Sam Couchman made a presentation to M&M 4-H. **Ms. Taylor Tucker** presented Council Member Couchman with a thank you for giving a history of flags presentation to M&M 4-H.

**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 Nava/Couchman 5-0

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

a. **Approved** Accounts Payable: December 14, 2018, December 20, 2018 and January 10, 2019.

#### **4. PUBLIC HEARING**

- a. Please take notice that the Public Hearing on the Community Development Block Grant Notice of Funding Availability (CDBG NOFA) notice for January 15, 2019 is cancelled and will be re-noticed and held at a future meeting of the Brawley City Council.

**Mayor Wharton** stated this item was cancelled and will come back at a future date.

#### **5. REGULAR BUSINESS**

- a. Discussion and Potential Action to Adopt Resolution No. 2019- in the Total Amount of \$105,901.09 and Award Contract for Project No. 2018-05 Streets Rehabilitation Phase 11 Roadway Project to Aggregate Products, Inc. (including North 8<sup>th</sup> Street /Old HWY 111) in an Amount Not to Exceed \$3,089,746.51 with a 10% Contingency Set Aside.

**CM Nava** asked about Legion Road improvements and whether it was considered for the Phase 11 project.

**Guillermo Sillas, Public Works Director** stated it is not included. The City expects to design improvements of Legion Road from Highway 86 to Evelyn Avenue this fiscal year. City staff is currently pursuing grant applications for Legion Road beyond the first roadway segment west of Evelyn.

The City Council **approved** Resolution No. 2019-03: Resolution of the City Council of the City of Brawley, California in the Total Amount of \$105,901.09 and Award Contract for Project No. 2018-05 Streets Rehabilitation Phase 11 Roadway Project to Aggregate Products, Inc. (including North 8<sup>th</sup> Street /Old HWY 111) in an Amount Not to Exceed \$3,089,746.51 with a 10% Contingency Set Aside. m/s/c Nava/Couchman 5-0

- b. Discussion and Potential Action to Authorize a Professional Engineering Services Agreement with LC Engineering Consultants, Inc. to Provide Construction Management Services for the North 8<sup>th</sup> Street /Old HWY 111 Rehabilitation Project in an Amount Not to Exceed \$28,185.

The City Council **approved** the Action to Authorize a Professional Engineering Services Agreement with LC Engineering Consultants, Inc. to Provide Construction Management Services for the North 8<sup>th</sup> Street /Old HWY 111 Rehabilitation Project in an Amount Not to Exceed \$28,185. m/s/c Nava/Kastner-Jauregui 5-0

- c. Discussion and Potential Action to Authorize Professional Engineering Services Agreement with Sierra to Provide Material Testing and Inspection, Inc. for Project No. 2018-05 in an Amount Not to Exceed \$51,800.

The City Council **approved** the Action to Authorize Professional Engineering Services Agreement with Sierra to Provide Material Testing and Inspection, Inc. for Project No. 2018-05 in an Amount Not to exceed \$51,800. m/s/c Nava/Couchman 5-0

- d. Discussion and Potential to Adopt Resolution No. 2019- : Resolution of the City Council of the City of Brawley, California Approving the Service Area Plan (SAP) / Municipal Service Review (MSR) for the City of Brawley (BR1-17).

**CM Hamby** asked what numbers changed? **Gordon Gaste, Development Services Director** stated that population numbers and housing numbers changes. These are standard changes over a five year period.

**CM Bayon Moore** stated that there are 3,800 lots already mapped City limits. LAFCO commented on a number of elements. The City's General Plan makes reference to certain service standards but what there is a difference between the standard versus available resources. One of the areas identified is public safety. Explanations for how service level expectations are augmented were provided. For example, the City operates a Police Reserve

Program. The other area of comment was water metering. The explained the approach to metering and how the City expects to meet the timetables for the State of California.

The City Council **approved** Resolution No. 2019-04: Resolution of the City Council of the City of Brawley, California Approving the Service Area Plan (SAP) / Municipal Service Review (MSR) for the City of Brawley (BR1-17). m/s/c Nava/Kastner-Jauregui 5-0

- e. Discussion and Potential Action to Approve Serenita Apartments (formerly referred to as Adams Parks Apartment Project) – Impact Fee Deferral Agreement and Final Map Approval (TM16-03).

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

This project was formerly referred to as the Adams Parks Apartment Project. The action before the City Council is for the first phase of the project which consists of sixty residential units. The applicant is proposing to enter into a Deferred Impact Agreement in which the highest tier fees in the City’s fee justification study are applied. At the time building permits are pulled, the current tier fees are paid. The difference between what is the highest tier in the nexus study and the existing tier is proposed to be paid over a period of time. The City has facilitated affordable housing development with other projects in this manner.

**CM Hamby** stated he expressed prior concerns with this type of scenario. This project is going to grow the population of the City. It is going to put strain on facilities and city services. It is not clear why the City is not adhering to the nexus study and increasing development impact fees across the board anyway. Chelsea is going to operate the housing development as a non-profit and would not be paying property taxes. The fees will be deferred over 31 to 47 years. Property tax revenues will never make it back to the City of Brawley. It is a concern that a company such as Chelsea with worth of more than two billion dollars would essentially ask for a loan from a city Brawley’s size to cover impact fees for decades. There are also questions about the supply of power available for the project from IID.

**DSD Gaste** stated that the applicant and City were not successful with the prior effort to secure an award of funds from the Affordable Housing Sustainable Communities Program. That effort would have funded off-site pedestrian and bike improvements and on-site energy. At this time, tax credit financing is being pursued. Most low-income housing does not pay property taxes. While the City does not benefit greatly from additional property tax revenues, population growth can be beneficial for sales tax increases. Chelsea is not exactly asking for a loan. They do not have to ask for elevated fees at all. The current fees could simply be paid. It benefits the City over the long run to receive the funds and helps Chelsea’s application be more competitive.

**Randy Slabbers**, Chelsea stated he was the manager of project. Chelsea was not successful with the net zero solar system application. Now Chelsea is pursuing an alternative path for tax credit financing. The Deferred Impact Loan Agreement will assist with a tie breaker score in the competitive application process.

**Mayor Wharton** commented that the proposed project is consistent with the land use and zoning. The question for City Council is if this is not the go forward project, what is? What are the community benefits to be gained? Chelsea has an extensive portfolio. What are the benefits of bringing a project like this to that location?

**Mr. Slabbers** indicated that what is unique about this project is that out of the sixty family units, eight units will have vouchers for families that have a member in their household who has a developmental disability or consist of disabled individuals. Chelsea is working in partnership with the San Diego Regional Center who has expressed the need for such housing solutions. A community center is also a part of the phase one project.

**CM Kastner-Jauregui** asked what will follow the first phase of the project.

**Mr. Slabbers** indicated that another application process is anticipated in the future.

The City Council **approved** Serenita Apartments (formerly referred to as Adams Parks Apartment Project) – Impact Fee Deferral Agreement and Final Map Approval (TM16-03). m/s/c Kasnter-Jauregui/Nava 4-1 Hamby naye

- f. Discussion and Potential Action to Approve AMG & Associates Ocotillo Springs Apartments Density Bonus Agreement and Adopt Resolution No. 2019- : Resolution of the City Council of the City of Brawley, California Authorizing Application for the Affordable Housing and Sustainable Communities Program.

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

This project is located on I Street and the future extension of South 17<sup>th</sup> Street. This project will develop the full width of 18<sup>th</sup> Street from I Street to Main Street. The reason for the Density Bonus is because they are asking for 10 additional units, although they are allowed up to a 35% increase in the number of units. Ten units is an 8% increase. The funding being pursued for this project is another round of the Affordable Housing and Sustainable Communities Program. City staff has worked with the applicant to establish certain offsite improvements. Solar is planned on site, in addition to lighting and landscaping offsite within a 1 mile area which basically covers the whole east side of Brawley.

**CM Hamby** said the Service Area Plan noted that the local economy is influenced by a 25% poverty rate. In Imperial Valley and, especially in Brawley, housing is some of the lowest priced available in California. Concerns were expressed regarding an unbalanced approach to housing that will benefit investors like Chelsea and may damage the City of Brawley, especially its schools.

**DSD Gaste** stated how much you make determines whether housing is affordable. Brawley has a high poverty rate. Today, affordable housing projects have higher standards. Studies actually show that mixed income neighborhoods are the most successful in creating positive education outcomes.

**Mayor Wharton** expressed caution. He indicated that it is important to get facts on the table.

**CM Bayon Moore** stated that perhaps it would be helpful to hear concerns from all of the Council Members. If staff can assist with answering specific questions, they are available.

As a point of clarification, a Development Impact Fee Nexus Study is prepared by cities as the basis for fees it charges. School districts conduct the same type of analysis and they evaluate population growth and assign a dollar value to facility needs. They assess existing school capacity, what is deficient what it would take to maintain existing services if there were an increase of population. The financial impact is then assessed on development.

It was recommended that the City request a presentation on the current school district rate structure. Oftentimes, a school district renews its studies when large scale capital projects are being pursued. The increased fees offset the local match component of State funding. When the City entitles a project, a basic condition attached to the project is the requirement to pay school impact fees. Prior to the City's issuance of a building permit, the City requires evidence that school district fees have been paid. The City does not serve as the cash register but the City is the gatekeeper.

**CM Nava** stated that the assumption shared is that an influx of people are coming into Brawley as a result of the proposed project. He cautioned this is an opinion and an assumption that is not shared among all present.

**CM Couchman** seen many affordable housing projects, some well administered, some not. The City has a population with a need for housing at a reduced cost. Some people have an opinion about low income housing attracting a bad element. The apartments behind Witter School received a lot of negative feedback, at least a negative emotional feedback. The project has exceeded expectations. Throughout the Imperial Valley, there is a need for low income housing. The City needs to plan for it correctly. Many times, it has the potential to eliminate substandard housing and provide higher quality housing for the public.

**CM Kastner-Jauregui** indicated that she serves as a Liaison to the Imperial Valley Housing Authority. There is a need and if there were not a need, companies such as AMG would not submit these applications. Superintendent Canalez from Brawley Union High School recently updated the City Council. Although a comparison with other cities was not provided, his report was optimistic and showed improvement.

**Cameron Johnson, AMG & Associates Representative**, stated that this project qualifies for property tax exemption. Affordable housing projects cannot afford to pay property taxes the way they are set up. These properties are deed restricted and they have regulatory agreements where the rents are driven very low. They are just setup to help low-income individuals have safe and sanitary housing and get them back on their feet. That is the whole basis of these programs.

AMG has affordable housing projects throughout the Western United States. Yet, some of the longest waiting lists on projects are in Imperial Valley. The Malan Park Project had close to 1,000 names on the waiting list. Now, it is a year just to get on a waiting list. A two or three year wait to even get in, follows. There is a significant demand and huge need in this valley

The people in this community need the housing and right now they are in overcrowded households. AMG has the market study to back that statement. This development is very unique in nature. AMG looked closely at the Chelsea application last year to figure out why they were not successful and how the score could be improved. This is not your traditional housing development. This is hybrid housing with sustainable transportation infrastructure development.

The Affordable Housing Sustainable Communities Program seeks changes in travel mode from singular vehicle or single vehicle passengers to using transit, vanpool, bicycle and walking. The goal is compact infill development that promotes the alternative modes of transportation so in this case all of the tenants that live in the project will have free transit passes. AMG is partnering with Cal Van which is a vanpool organization that will come every morning and pick up people and take them to their jobs and then pick them up and bring them back. The project will own twenty vans. miles of bike lanes throughout the City ae proposed. This is not your typical development. It is net zero energy and will be solar. As much energy as is consumed on-site will be produced on-site.

The City Council **approved** AMG & Associates Ocotillo Springs Apartments Density Bonus Agreement and Adopt Resolution No. 2019-02-: Resolution of the City Council of the City of Brawley, California Authorizing Application for the Affordable Housing and Sustainable Communities Program. m/s/c Nava/Couchman 4-1 Hamby naye

- g. Discussion and Potential Action to Adopt 1<sup>st</sup> Reading of Ordinance No. 2019- : Ordinance of the City Council of the City of Brawley, California Amending City of Brawley Ordinance Number 86-04 re: Burglar Alarms.

The Council **approved** the 1<sup>st</sup> Reading of Ordinance No. 2019-01: Ordinance of the City Council of the City of Brawley, California Amending City of Brawley Ordinance Number 86-04 re: Burglar Alarms. m/s/c Nava/Couchman 5-0

- h. Discussion and Potential Action to Approve Brawley Chamber of Commerce's Request for the Sale and Consumption of Alcohol at the State of the City Address at Brawley Municipal Airport on Friday, February 8, 2019 from 5:30 to 7:30PM.

The City Council **approved** the Brawley Chamber of Commerce's Request for the Sale and Consumption of Alcohol at the State of the City Address at Brawley Municipal Airport on Friday, February 8, 2019 from 5:30 to 7:30PM. m/s/c Couchman/Kastner-Jauregui 4-1 Hamby naye

- i. Discussion and Staff Direction re: Professional Consulting Assistance for the 2019 State of City Address as Requested by Mayor Donnie Wharton.

The City Council **approved** \$1,000 to Spectrum for Professional Consulting Assistance to work on a video with Mayor and Council Members for the 2019 State of the City Address. m/s/c Nava/Couchman 5-0

- j. Discussion and Potential Action re: Mayoral Appointment of City Council Members to Boards, Commissions and Committees for 2019. The following appointments were made:

<u>Boards/Commissions/Committees</u>	<u>Delegate</u>	<u>Alternate</u>
Brawley Chamber of Commerce Board of Directors	Kastner-Jauregui	Hamby
Imperial County Air Pollution District Board of Directors	Couchman	Kastner-Jauregui
Imperial County Emergency Food & Shelter Program (EFSP)	Kastner-Jauregui	Wharton
Imperial County Film Commission	Kastner-Jauregui	Hamby
Imperial County Transportation Commission (ICTC)	Nava	Wharton
Imperial County Local Transportation Authority (LTA)	Nava	Wharton
Imperial County Service Authority for Freeway Emergencies (SAFE)	Nava	Wharton
League of California Cities	Wharton	Kastner-Jauregui
North County Coalition of the Arts (NOCCA)	Couchman	Kastner-Jauregui
Imperial County Community & Economic Development	Couchman	Nava
Abandoned Vehicle Abatement Joint Powers Authority (AVAJPA)	Gaste	Escalante
California Joint Powers Insurance Authority (CJPIA)	Nava	Wharton
Southern California Assn. of Governments (SCAG) General Assembly Delegate	Nava	Wharton
Association of California Cities Allied with Prisons (ACCAP)	Nava	Kastner-Jauregui
Airport Advisory Commission	Wharton	Couchman
Imperial Valley Housing Authority	Kastner-Jauregui	Wharton
Library Board of Trustees	Hamby	Couchman
Parks & Recreation Advisory Commission/Youth Commission	Hamby	Kastner-Jauregui
Planning Commission	Hamby	Kastner-Jauregui

**6. INFORMATIONAL REPORTS**

- a. Record of Building Permits for November and December 2018 in the City of Brawley, prepared by Oscar Escalante, Interim Building Official.
- b. Attendance Summary & Minutes for City of Brawley Boards/Commissions from January 2018 thru August 2018.
- 1) Brawley Airport Advisory Commission
  - 2) Brawley Oversight Board-Successor Agency to the Brawley RDA
  - 3) Brawley Parks & Recreation Commission
  - 4) Brawley Planning Commission
  - 5) Brawley Public Library Board of Trustees

**7. DEPARTMENTAL REPORT**

- a. Update on Pool, Skate Park and Lions Center by Marjo Mello, Interim Parks & Recreation Director
- a) Pool heater is on schedule for the pool to be open on or before February 1, 2019.
  - b) At the Skate Park, someone cut the chain link fence to gain entry when the park was closed.
  - c) Recent rains have created pooling water inside the Lions Center in the stage area, restrooms. Showers on the poolside have major flooding. George Mitchell Construction has been asked to look at the roof, provide a plan and estimates.
  - d) Two water breaks at the Cattle Call Arena flooded terraces. The break occurred at night and was

not found until morning.

- e) On a positive note there are 31 basketball teams signed up for the City league with over 300 participants. The Senior Center will host a Valentine Dance on February 15, 2019.

- b. Update on Water Line Breaks by Guillermo Sillas, Public Works Director

13 water breaks throughout town, mainly in the west part of town. The weather has an effect on the infrastructure. These are cast iron lines that become brittle with the drops in temperature.

## **7. CITY COUNCIL MEMBER REPORTS**

**Hamby:** Attended Planning and Parks & Recreation Commission meetings. Met with CM Kastner-Jauregui. Talked to Chamber of Commerce regarding downtown. Attended funeral for Denise Smith and met with a Johnny on Wheels regarding the Senior Center side door and the Tree Planting Program.

**Couchman:** Attended Library Board Meeting and funeral for Denise Smith. There will be a Civil War re-enactment at Wheeler and Huff Road this coming Saturday.

**Nava:** The fireworks on New Year's Eve were spectacular. Produced a video for Merle Norman along with CM Kastner-Jauregui. Pilot Flying J is packed. Taco Bell is open. McDonald's is coming back. There are road improvements on Main Street. Looks forward to working with Mayor for the State of the City Address.

**Kastner-Jauregui:** Attended storytelling at the Del Rio Branch Library. Participated in several interviews with students from Brawley Union High School. Attended the Installation of Officers at the Senior Center and a subcommittee meeting with CM Hamby regarding downtown. Met with a business that would like to move to downtown.

**Wharton:** Attended Denise Smith's funeral. Noted McDonald's slow movement. The Velo Bike Run is scheduled for February 7, 2019. Exploring options for a City Health and Wellness Program.

## **8. CITY MANAGER REPORT**

- a. Due to the Federal Government shut down, the City will provide qualifying customers with 30-day utility payment relief.
- b. A/C issues in PD's report writing room have led to water damage. Plan of action will be forthcoming.
- c. The City of Brawley was invited to join Trees of San Diego and El Centro for a large scale tree planting effort countywide. A total of 350 trees have been identified for Brawley city limits. More information will become available soon.

## **9. CITY ATTORNEY REPORT**

- a. With the new year, new legislation was enacted regarding police reports and personnel records.

## **10. CITY CLERK REPORT**

- a. League Dinner on January 24, 2019 at Guadalajara's in El Centro.

**11. CLOSED SESSION**

- a. Joint Powers Insurance Authority (JPIA) for Insurance Claims Discussions

The Legislative Body, as a Member of a Joint Powers Authority, formed for purposes of insurance pooling pursuant to G.C. Section 6500 et seq., met in closed session to discuss claims for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the Joint Powers Agency or a Local Agency Member of the Authority. There are 33 potential claims (G.C. 54956.9)

**CONFERENCE WITH LABOR NEGOTIATOR**

- a. Agency Designated Representative: Rosanna Bayon Moore, City Manager  
Employee Organization: Brawley Public Safety Employees, Brawley Police Sergeants' Association, Brawley Firefighter's Local No. 1967, and Teamsters Local No. 542

**12. ADJOURNMENT @ 8:31 pm**

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**Alma Benavides, City Clerk**