

CITY OF BRAWLEY
February 2, 2016

The City Council of the City of Brawley, California met in a regular session at 6:00 PM, 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 Wharton @ 6:01 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 Nava**

1. APPROVAL OF AGENDA

The agenda was **approved** as submitted. m/s/c Noriega/Nava 5-0

2. PUBLIC APPEARANCES/PRESENTATIONS

- a. **Ryan Kelley, Imperial County District 4 Supervisor**, reported to the City Council on the Salton Sea, the wetlands appropriation for the Holtville drain, and the undergrounding of the New River in Calexico.
- b. **Eddie Camillo**, Brawley resident, informed the City Council that he had filed a complaint with the Police Department and has not heard back. The Mayor stated to Mr. Camillo that he will have staff look into matter.

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 Couchman/Noriega 5-0

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

- a. Approve Accounts Payable: December 30, 2015
January 7, 2016
January 8, 2016
January 14, 2016
January 21, 2016
January 22, 2016

- b. Approve Extension of Ordinance No. 2015-05 to October 31, 2016 Prohibiting Wasteful Use of Water, Establishing Restrictions on Water Use and Meeting State Conservation Standards.
- c. Approve the Cancellation of the Specialty Subcontractor Pre-Qualification Phase for Wet Play Subcontractors and Wet Play Deck Subcontractors Seeking to Bid the City of Brawley Alyce Gereaux Park Renovation Project and Re-Advertise with Proposed Modifications.
- d. Approve and Adopt Resolution No. 2016-02: Resolution of the City Council of the City of Brawley, California Approving and Authorizing a Request from AMG & Associates Seeking Execution of an Impact Fee Deferral Agreement to Support the Construction of a 32-Unit Two and Three Story Senior Apartment Complex Located at 151/205 South Eastern Avenue.
- e. Approve and Adopt Resolution No. 2016-03 : Resolution of the City Council of the City of Brawley, California to Approve Participation in the County of Imperial's alternative standards process and provide written authorization for the County of Imperial to administer the Local Agency Management Program (LAMP) for Septic Systems in the City of Brawley.

4. CONTINUED PUBLIC HEARING FROM JULY 7, 2015 @ 6:16PM

- a. Appeal for a Zone Change (ZC14-01)/General Plan Amendment (GPA14-01)/Site Plan (SP14-02)/Conditional/Use Permit (CUP14-02)/Parcel Map (PM14-01) – River Palm Mobile Home and RV Park/Mini-Storage/Convenience Market.

Staff Report – Gordon Gaste, Planning Director, presented a Power Point Presentation on the project

*PowerPoint slides are on file and available by request at the Office of the City Clerk.

The first submittal of the River Palm Mobile Home and RV Park/Mini-Storage/Convenience Market project was denied by the Planning Commission on November 12, 2014. The applicant subsequently submitted a revised plan to the Planning Commission which was heard on February 4, 2015 and denied. On April 1, 2015, a third application was heard by the Planning Commission. Following the Planning Commission's third denial, the applicant submitted an application for appeal to the City Council.

To summarize, a number of topics arose amongst attendees and Brawley Planning Commissioners as follows:

- Availability of onsite parking
- Number of trash enclosures
- Lack of onsite amenities
- Aesthetic appeal
- Attractiveness to snow bird population
- Overall housing density
- Pet and breed types allowed on premises
- Proximity to the former PureGro facility at 1025 River Drive
- Mobile Home and RV Park management regulations
- County of Imperial code enforcement
- Age of units on premises

- Public safety

Staff has conducted a review of existing City policy, as well as conducted a comparative analysis of neighboring jurisdictions and other desert communities. The information collected aims to provide launching points for further City Council discussion.

The four topic areas presented for additional review include:

1. Parking
2. Landscaping
3. Phasing
4. Site Management and Regulations

The following individuals provided comments to oppose project:

Jerry Gauna, Brawley resident
Thomas Perez, Brawley resident
Mike Neciuk, Brawley resident
Humberto Lugo, Brawley resident
Mike Jaramillo, Brawley resident
Irma Rios, Brawley resident
Tony Gallegos, Brawley resident

The following individuals provided comments in support of the project:

Dawn Taylor, Brawley resident
David Ramirez, Project Engineer

CLOSED PUBLIC HEARING @6:52PM

1. Continued Public Hearing
2. Approve 1st Reading of Ordinance No. 2016- : Ordinance of the City Council of the City of Brawley, California Amending the Brawley Municipal Code to Change the Zoning Designation for Specified Properties.
3. Approve and Adopt Resolution No. 2016- : Resolution of the City Council of the City of Brawley, California Amendment to the City of Brawley General Plan.

The City Council **denied** the Appeal for Zone Change (ZC14-01)/General Plan Amendment (GPA14-01)/Site Plan (SP14-02)/Conditional Use Permit (CUP14-02)/Parcel Map (PM14-01) – River Palm Mobile Home and RV Park/Mini-Storage/Convenience Market. m/s/c Nava/Kastner-Jauregui 4-1 Noriega voting nay.

5. REGULAR BUSINESS

- a. Update and Discussion of Status of Industrial Discharge Permit for One World Beef and One World Beef's Request to Reinstate Rescinded National Beef Discharge Permit for Transfer to One World Beef.

Staff Report – Yazmin Arellano, Public Works Director

The City of Brawley issued an Industrial Wastewater Discharge Permit No. 001 on March 21, 2014 to National Beef in accordance with Chapter 22 of the Brawley Municipal Code. The permit covers the wastewater discharged from the facility located at 57 E. Shank Road, Brawley, CA into the City sewer collection system. The permit issued was based on an application for an industrial user permit specific to the operations of National Beef California, LP. National Beef's operations were discontinued on May 23, 2014.

On August 12, 2014, National Beef submitted a Wastewater Discharge Permit Application for Discharge Point No. 2. The application states that no additional process water had been discharged into the City's wastewater collection system from Discharge Point No. 1 and identifies Discharge Point No. 2 as the single point of discharge. Permits shall be voidable upon cessation of operations or transfer of business ownership. The City rescinded National Beef's industrial waste discharge permit to formally document the change in operations and cessation of industrial wastewater discharge at the National Beef site.

One World Beef (OWB) plans to purchase the beef processing plant owned by National Beef. The City received a permit application on December 11, 2015 from ERM on behalf of OWB. Since the date of submittal, more than ten (10) conference calls and meetings have been conducted. Numerous emails have been exchanged between the City and its engineering consultants (HDR) and OWB and their attorneys and consultants up until the release of this staff report. On December 16, 2015, HDR (on behalf of the City) responded to OWB's consultant with a list of major items missing from the permit application and likely conditions that would be included in the new permit.

Instead of the of the City of Brawley issuing a new Industrial Discharge Permit, OWB has requested that the City reinstate National Beef's rescinded Industrial Discharge Permit. Once reinstated, OWB has requested that the National Beef Permit be made available for transfer to OWB.

Dave Bachtel, HDR Engineering Consultant for the City stated that OWB needs to have all pre-treatment facilities in place before discharge begins. A new permit would require submittal of the pre-treatment improvements for approval prior to issuance of the new permit. Comparatively, the reinstatement and transfer alternative would provide a permit to OWB but no ability to actually discharge.

Rosanna Bayon Moore, City Manager, stated that the City has conferred with the OWB team and they understand that in order to proceed with discharge to the City's Wastewater Treatment Plant with the reinstatement and transfer route, additional information needs to be provided by OWB. It is necessary to resolve the subject of modifications required to onsite pre-treatment facilities before discharge commences. Ms. Moore indicated that the City has consulted with Jose Angel of the Regional Water Quality Control Board. After noting Mr. Angel's presence at the meeting, she commented that the Regional Water Quality Control Board has no objection at this time to the City proceeding with the reinstate and transfer route.

Bill Smerdon, City Attorney stated that within a number of days the reinstatement and transfer can be processed.

Jose Angel, Interim Executive Officer for the Regional Water Quality Control Board (RWQCB), stated that the permit granted to OWB by the RWQCB requires upgrades to the operation. A time schedule order is attached to the RWQCB permit that ensures that the operations are compliant with standards and adequate improvements are made. Mr. Angel further stated that the RWQCB has no objection to the City reinstating the permit

Eric Brandt, Owner, indicated that it has been a long process and thanked staff for all the work and cooperation.

Mayor Wharton, stated that once OWB opens, it will bring employment opportunities back to Brawley and the region.

The following individuals provided comments to oppose project:

Art Reyes, Brawley resident

Luis Olmedo & Humberto Lugo, Comité Civico del Valle

Roy Askins, Environmentalist

Rosa Martinez, Brawley resident

The City Council **directed** staff to continue to work with OWB on its Industrial Discharge Permit.

RECESS @7:56PM

RECONVENE @8:08PM

- b. Discussion and Potential Action to Authorize the Complete Rebuild and Installation of Water Distribution Pump 421 by Sloan Electric in a Total Amount Not to Exceed \$65,559.15.

The City Council approved the authorization of the Complete Rebuild and Installation of Water Distribution Pump 421 by Sloan Electric in a total amount not to exceed \$65,559.15. m/s/c Nava/Couchman 5-0

6. DEPARTMENTAL REPORTS

- a. Monthly Staffing Report for February 2016 – Shirley Bonillas, Personnel & Risk Management Administrator.

7. INFORMATIONAL REPORTS

- a. Record of Building Permits for December 2015, Prepared by Francisco Soto, Building Official.

8. CITY COUNCIL MEMBER REPORTS

Noriega: Attended Mixer at the Brawley Chamber of Commerce and met Katie Luna and also attended California League of Cities Dinner.

Kastner-Jauregui: Attended League of California Cities Dinner.

Nava: Attended a roundtable meeting at Imperial Valley Economic Development Commission.

Couchman: Attended Chamber of Commerce Mixer and League of California Cities Dinner.

Wharton: Attended League of California Cities League Dinner and Chamber of Commerce Meeting.

9. CITY MANAGER'S REPORT

a. Next Agenda will be a full one.

10. CITY ATTORNEY'S REPORT

a. Medical Marijuana Ordinance.

b. Appointment of the City Treasurer is required within 60 days from December 29, 2015. If not an election has to be held.

11. CITY CLERK'S REPORT

a. Save the Date for League Dinner to take place on March 24, 2016 in Brawley.

ADJOURNMENT @ 8:23 PM

Alma Benavides, City Clerk