

**CITY OF BRAWLEY**  
**July 19, 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** @ 6:00 PM

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

Invocation was offered by **Mayor Wharton**

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

**1. APPROVAL OF AGENDA**

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

**2. PUBLIC APPEARANCES/COMMENTS**

- a. **Carol Sassie, Brawley resident** wanted to thank the men in blue that serve our community in the wake of the past two weeks and the murdering of police officers in three (3) different state. As a resident of Ridge Park and all the residents would publicly like to thank all that were involved in storing and installing the flag pole at Captain Scott Pace Park. The installation of a light pole so the flag can be flown 24 hours a day is planned. The cooperation of everyone involved was really appreciated.

**CM Nava** offered to donate \$200 towards the Captain Scott Pace light pole.

**CM Couchman** concurred with CM Nava on a donation from his account as well.

- b. **Julie Malan, Brawley resident** stated she had called the Mayor this afternoon and spoken to him about the violence that has been going on in our Country. Our Brawley Police Officers would willingly give the ultimate price as well for their community. They show this by patrolling 24 hours a day for our safety. Katie Luna at the Brawley Chamber of Commerce and the Business Community fees the same way.

**CM Noriega** announced that there will be a Ceremony on 9/11 at the Veteran's Memorial Wall starting at 6pm to thank all the men and women in uniform.

- c. **Katie Luna, Brawley Chamber of Commerce Executive Director** mentioned that the Chamber and Brownies want to host Coffee with a Cop on July 30, 2016. The community can show the police how much they are appreciated.

**PC Crankshaw** said this has been trying times for law enforcement as it is serious. The Chief has gone to roll calls and talked specifically about the importance of our community. The department has been overwhelmed with community support by the public who are sending flowers and cards. Staff makes sure a letter is sent back to thank them and to show them the department's appreciation.

- d. **Ceci Gastelo, Chairperson for the American Cancer Society Relay for Life Brawley and Northern Imperial County** thanked everyone that helps out during the Relays including the Fire, Police, Parks & Recreation Departments and all volunteers. A plaque was presented to the City of Brawley and

Certificates of Appreciation were given to the Brawley Chamber of Commerce, IVC Fire Academy and Brawley Explorers.

**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 Kastner-Jauregui/Noriega 5-0

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

- a. **Approved** Accounts Payable: June 30, 2016  
July 8, 2016
- b. **Approved** City Council Minutes: June 7, 2016
- c. **Approved** Resolution No. 2016-27: Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2005-1 of the City of Brawley (**Victoria Park**), authorizing the levy of Special Taxes within Community Facilities District No. 2005-1 for Fiscal Year 2016-2017.
- d. **Approved** Resolution No. 2016-28: Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2005-4 of the City of Brawley (**Latigo Ranch**), authorizing the levy of Special Taxes within Community Facilities District No. 2005-4 for Fiscal Year 2016-2017.
- e. **Approved** Resolution No. 2016-29: Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2006-1 of the City of Brawley (**Malan Park**), authorizing the levy of Special Taxes within Community Facilities District No. 2006-1 for Fiscal Year 2016-2017.
- f. **Approved** Resolution No. 2016-30: Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2007-1 of the City of Brawley (**Luckey Ranch**), authorizing the levy of Special Taxes within Community Facilities District No. 2007-1 for Fiscal Year 2016-2017.
- g. **Approved** Resolution No. 2016-31: Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2007-2 of the City of Brawley (**Springhouse**), authorizing the levy of Special Taxes within Community Facilities District No. 2007-2 for Fiscal Year 2016-2017.
- h. **Approved** Resolution No. 2016-32: Resolution of the City Council of the City of Brawley, California, Approving the Purchase of New Patrol Rifles and Vehicle Secure Mounting Equipment utilizing State Asset Forfeiture Funds in the Amount of \$46,090.83.
- i. **Approved** Request for Travel Greater than 500 Miles for Library Director and Assistant Library Director to Attend the Annual California Library Association Conference from November 3rd through 6th, 2016 in Sacramento, California.

#### **4. REGULAR BUSINESS**

- a. Discussion and Potential Action to Approve Program Development Agreement with Siemens Industry, Inc. and Proceed with Preparation of a Comprehensive Engineering Study for a City of Brawley Energy Services and Facilities Modernization Program.

**Power Point Presentation** – Gabriel Teran, Business Development Manager  
Andrew Beggs, Zone Operations Manager

The City of Brawley was introduced to the benefits of the design/build solution for energy efficiency initiatives at the 2014 California League of Cities Annual Conference. At that time, Siemens was featured as a model partner for local jurisdictions seeking to undertake capital intensive improvements that packaged financing, design and construction features. Siemens provides a financial performance guarantee for all of its projects. If the City does not financially realize the bottom line operational and energy savings, Siemens will refund the difference.

Staff is recommending to the City Council to proceed with the next step of approving the Program Development Agreement (PDA). Execution of the PDA will launch the Final Comprehensive Engineering Study. This detailed audit will determine if the program is financially worthwhile for the City to implement. At this stage, improvements are estimated to range between \$8.5-9.5M. Over a 15 year time horizon, the projected savings (after accounting for capital and financing costs) are estimated to be \$749,000.

Should the results indicate the above-referenced positive cash flow over the 15 year term, the PDA obligates the City to proceed with the design/build program. If the City elects to opt out despite the positive cash flow over the 15 year term, Siemens shall be reimbursed for the cost of the Comprehensive Engineering Study in the amount of \$129,721. If the project does not prove to be financially beneficial to the City, the agency has no obligation to move forward.

A lengthy discussion occurred amongst the City Council regarding the benefits of the program.

The City Council **approved** the Program Development Agreement with Siemens Industry, Inc. and to proceed with preparation of a Comprehensive Engineering Study for a City of Brawley Energy Services and Facilities Modernization Program. m/s/c Nava/Noriega 4-1 Kastner-Jauregui voting no

- b. Discussion and Potential Action to Approve Development Agreement with La Paloma Subdivision, Units 1 & 2.

**CM Bayon Moore** stated that CA Smerdon and City staff have worked closely with Pacific West Development Team to prepare a Development Agreement that addresses conditions of approval for Units 1 and 2. The approach involves the reinstatement of Special Tax A and repurposing of the use of bond settlement proceeds. The funds generated by Special Tax A and available bond settlement proceeds enable developers of Units 1 and 2 to be reimbursed for surrounding offsite improvements that would result in a complete and self-sustaining subdivision.

**CA Smerdon** mentioned that two separate agreements are now in place for La Paloma Units 1 & 2

The City Council **approved** Development Agreement with La Paloma Subdivision, Units 1 & 2. m/s/c Kastner-Jauregui/Noriega 5-0

- c. Discussion and Potential Action to Approve Resolution No. 2016-: Resolution of the City Council of the City of Brawley, California, Acting as the Legislative Body of Community Facilities District No. 2005-3 of the City of Brawley (**La Paloma**), Authorizing the Levy of Special Taxes A and B within Community Facilities District No. 2005-3 for Fiscal Year 2016-2017.

The City Council **approved** Resolution No. 2016-33: Resolution of the City Council of the City of Brawley, California, Acting as the Legislative Body of Community Facilities District No. 2005-3 of the City of Brawley (*La Paloma*), authorizing the Levy of Special Taxes A and B within Community Facilities District No. 2005-3 for Fiscal Year 2016-2017 m/s/c Kastner-Jauregui/Noriega 5-0

d. Discussion and Potential Action to Award Contract to Masters Construction Inc. for Project No. 2016-11, 1st Street Pedestrian Improvements Project, in the Amount of \$328,385 and Adopt City Council Resolution No. 2016- : Resolution of the City Council of the City of Brawley, California Amending the Fiscal Year (FY) 2016/2017 City of Brawley Budget.

- Due to CMAQ funding available no budget adjustment is necessary.

The City Council **approved** the Award of Contract to Masters Construction Inc. for Project No. 2016-11, 1<sup>st</sup> Street Pedestrian Improvements Project, in the amount of \$328,385. m/s/c Nava/Couchman 5-0

e. Discussion and Potential Action to Adopt Resolution No. 2016-: Resolution of the City Council of the City of Brawley, California Declaring an Emergency, Ratifying Action Taken by the City Manager and Approving Emergency Replacement of a Collapsed Sewer Pipeline and Severely Damaged Manhole on the North Half of Adams St. between B Street and Magnolia St. in an Amount Not to Exceed \$120,000 to A & R Construction.

The City Council **adopted** Resolution No. 2016-34: Resolution of the City Council of the City of Brawley, California Declaring an Emergency, Ratifying Action Taken by the City Manager and Approving Emergency Replacement of a Collapsed Sewer Pipeline and Severely Damaged Manhole on the North Half of Adams St. between B Street and Magnolia St. in an Amount Not to Exceed \$120,000 to A & R Construction. m/s/c Couchman/Kastner-Jauregui 5-0

f. Discussion and Potential Action to Approve Change Order No. 1 for Contract No. 2016-02: 3 Million Gallon Airport Reservoir Improvements in an Amount Not to Exceed \$150,000.59 to West Coast Industrial Coatings, Inc.

The City Council **approved** Change Order No. 1 for Contract No. 2016-02: 3 Million Gallon Airport Reservoir Improvements in an Amount Not to exceed \$150,000.59 to West Coast Industrial Coatings, Inc. m/s/c Couchman/Kastner-Jauregui 5-0

g. Discussion and Staff Direction re: Superior Court Services in the City of Brawley

**CM Moore** indicated that this topic was put on the agenda for some direction from Council relative to a topic that **CM Noriega** and **CM Kastner-Jauregui** have carried. The Court Administrator is trying to collect more information on future plans and needs that were outlined in the initial meeting of stakeholders. More information from **Ralph Cordova, Imperial County Executive Officer** is pending.

**CM Noriega** invited Ryan Kelley, Imperial County Supervisor District #4 to give an overview of what is going on.

**Ryan Kelly, Imperial County Supervisor District #4** gave an overview to potential outcome in regards to closure of the Brawley Superior Court. He emphasized that the Imperial County Court System has no control of the decision locally and that they are being told by the State to do this. The Supervisors have had conversations with the judges and made it clear that the County wants to maintain services in Brawley.

The Council **nominated** CM Noriega and CM Kastner-Jauregui to an Ad-Hoc Committee for the Brawley Superior Court Closure.

- h. Discussion and Staff Direction re: Administration Office Staffing as Requested by Council Member George A. Nava.

**CM Nava** stated that an administrative position has been deferred in the past and the City needs to start focusing on Economic Development. The focus should be on hiring primarily a Grant Writer or creating a position that entails that type of job skill set. A job description for a potential position needs to be created for Council to review.

The Council arrived at a **consensus** of research and development for supporting this potential job creation.

**5. DEPARTMENTAL REPORTS** None to report

**6. CITY TREASURER’S REPORT** None to report

**7. CITY COUNCIL MEMBER REPORTS**

**Noriega:** Joined the Toastmaster Club and have been working with the Veterans Committee on the 9/11 Ceremony.

**Kastner-Jauregui:** Attended the Planning Commission Meeting, Chamber Mixer at the AT & T Store, the Business Advisory Committee which had no quorum. Downtown needs work to improve it.

**Nava:** Attended the Film Commission Meeting, Small Business Administration Meeting, Chamber Mixer at A T & T and other meetings.

**Couchman:** Attended the Chamber Mixer at A T & T, Stockmen’s Club Meeting. While driving around town have noticed that our graffiti level is down. Our citizens have great support for the Police/Fire Departments.

**Wharton:** Had a great vacation in Mission Beach, attended the Airport Commission Meeting and met with Tim Kelley and took a trip to Yuma International Airport to see their improvements.

**8. CITY MANAGER’S REPORT**

- a. Received two conference calls with EPA (Environmental Protection Agency) regarding their “Making a Difference Initiative” that the organization is launching. There is specifically set aside funding for the Imperial County and EPA is seeking to begin projects with the City of Brawley.

During my absence Marjo Mello, Library Director will serve as Acting City Manager from July 11-17 and Mike Crankshaw, Police Chief from July 18-24.

**9. CITY ATTORNEY’S REPORT**

- a. Working on La Paloma with City Manager and Interim Public Works Director.
- b. With everything going around in the Country glad to live in Brawley.

**10. CITY CLERK’S REPORT** None to report

**11. CLOSED SESSION**

ANTICIPATED LITIGATION (Government Code §54956.9, paragraph (4) of subdivision (d))

- a. Conference with Legal Counsel – There is one (1) potential case.

PERSONNEL MATTERS (G.C. §54957)

- a. Public Employment of the Position of City Manager

**12. PUBLIC REPORT ON ACTION TAKEN IN CLOSED SESSION**

- a. The City Council unanimously **renewed** the Employment Agreement between the City of Brawley and Rosanna Bayon Moore, City Manager on July 19, 2016. m/s/c Nava/ Kastner-Jauregui 5-0

**ADJOURNMENT** @ 8:35 PM

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**Alma Benavides**, City Clerk