

**CITY OF BRAWLEY
September 6, 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 @ 6:04 PM**

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

Invocation was offered by **Pastor Richard Rodriguez, House of Bread Ministries**

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

1. APPROVAL OF AGENDA

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

2. PUBLIC APPEARANCES/COMMENTS

- a. **Pat Dorsey, Parks & Recreation Director** introduced newly hired Parks & Maintenance Worker David Siqueiroz.
- b. **Marjo Mello, Library Director** introduced newly hired LAMBS Project Coordinator, Mary Jane Guerrero.
- c. **Mike Crankshaw, Police Chief** introduced newly promoted Police Sergeant Michael Sandoval.
- d. **Katie Luna, Brawley Chamber of Commerce Executive** invited Council to the Welcome Back Teacher's Dinner scheduled for September 15th, 2016 at the Stockmen's Club and mentioned that hopefully at next meeting she will be introducing the new Liaison Person that is going to help facilitate new businesses.
- e. **David Kim, Assistant Chief El Centro Sector Border Patrol** mentioned that he and staff have been going around to the City Council Meetings in the valley educate the public about their community outreach, work with students during summer under a mentorship program, organize food/blood drives and I the honor/color guards.
- f. **John Hernandez, Brawley resident** asked about the Brawley Mobile Home Park topic and was told it was on the agenda for discussion.

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 Noriega/Couchman 5-0

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

- a. **Approved Accounts Payable:** July 15, 2016
July 21, 2016

July 28, 2016
August 4, 2016
August 5, 2016
August 12, 2016
August 18, 2016
August 19, 2016
August 25, 2016

- b. **Approved City Council Minutes:** June 21, 2016
July 5, 2016
July 19, 2016
- c. **Approved** Purchase of Zoll Cardiac Monitor/Defibrillator in the Amount of \$26,527.35 from Zoll Medical Corporation.
- d. **Approved** Amendment No. 3 to the Agreement with Kimley-Horn & Associates, Inc. for the Preparation of Bidding Documents and Construction Support Services for the Alyce Gereaux Park Renovation Project with Changes to the Total Contract Time and Extension of the Expiration Date to June 30, 2017.
- e. **Approved** Change Order No. 2 to Layfield USA Corporation in the Amount of \$4,350.7 for the Water Treatment Plant Spent Backwash Storage Reservoirs Line Replacement Project, Specification No. 2016-01.
- f. **Authorized** Amendment No. 1 to the Agreement with Psomas to Provide Additional Construction Support Services for the Sewer Manhole Rehabilitation Project in the Amount of \$7,980.
- g. **Authorized** Amendment No. 1 to the Agreement with Psomas in the Amount of \$10,100 to Provide Construction Support Services for the Airport Storage Tank Re-Coating Project.
- h. **Adopted** City Council Resolution No. 2016-35: Resolution of the City Council of the City of Brawley California Opposing the Reduction of Brawley Superior Court Services and the Introduction of Additional Barriers to Access Justice.
- i. **Adopted** Resolution No. 2016-36: Resolution of the City Council of the City of Brawley, California Authorizing the Acceptance of an Allocation of Funds and Execution of Grant Agreement, Amendments and other Documentation with the Federal Aviation Administration (FAA) for the Rehabilitation of the Runway 8/26 Lighting and Taxiways Edge Lighting system, including Lighted Wind Cones, Rotating Beacons and PPAI System - Phase I Design Only.
- j. **Authorized** Amendment No. 1 to the Agreement with Lee & Ro to Provide Additional Construction Support Services for the Airport Storage Tank Re-Coating Project in the Amount of \$50,000.
- k. **Approved** Amendment No. 3 to Solid Waste Disposal and Recycling Franchise Agreement Regarding Multi-Family Recycling Services.

4. PUBLIC HEARING

- a. Tangerine Gardens South Tentative Tract Map/Zone Change/General Plan Amendment (TM16-01/GPA16-01) – West La Valencia Unit #3, North of Calle Estrella and South of Tangerine Gardens Mobile Home Park.

Staff Report – Gordon Gaste, Planning Director

The applicant submitted a Tentative Tract Map requesting a Zone Change to R-1 (Residential Single Family) and a General Plan Amendment changing the land use to Low Density Residential in order to permit 32 single family residential lots. The property is currently Zoned R-3 (Residential Medium Density) and is designated Medium Density Residential. The site is currently vacant and is 7.73 acres in size. Access is proposed via Calle Estrella and Calle del Cielo. The City imposed zoning conditions on this property from a previously entitled condominium project.

OPEN PUBLIC HEARING @6:25pm

No comments were received.

CLOSED PUBLIC HEARING @6:26pm

1. Discussion and Potential Action to Adopt Resolution No. 2016- : Resolution of the City Council of the City of Brawley, California Amending the City of Brawley General Plan.

The City Council **adopted** Resolution No. 2016-37: Resolution of the City Council of the City of Brawley, California Amending the City of Brawley General Plan. m/s/c Nava/Kastner-Jaurequi 5-0

2. Adopt 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.

The City Council **adopted** 1st Reading of Ordinance No. 2016-04: Ordinance of the City Council of the City of Brawley, California Amending the Brawley Municipal Code to Change the Zoning Designation for Specified Properties.

5. REGULAR BUSINESS

- a. Discussion and Potential Action to Award Specification No. 2016-13, Purchase of Rock Products, Asphalt Cement Concrete & Other Miscellaneous Street Products to Masters Construction in the Maximum Amount of \$167,700 per Year.

The City Council **approved** Award Specification No. 2016-13, Purchase of Rock Products, Asphalt Cement Concrete & Other Miscellaneous Street Products to Masters Construction in the Maximum Amount of \$167,700 per year. m/s/c Nava/Noriega 5-0

- b. Discussion and Potential Action regarding an Appeal of Development Impact Fees Applicable to City Approved Site Plan for Western Avenue Baptist Church Improvement Project.

Staff Report – Gordon Gaste, Planning Director

Western Avenue Baptist Church submitted a site plan for expansion of their facilities which include new classrooms and a gymnasium. The City approved the site plan on March 5, 2015. Section 108 of the City of Brawley Municipal Code allows for the collection of Development Impact Fees (DIF). These fees are collected at the time of Building Permit Issuance. All applicants are advised to visit the Building Department prior to submitting any permits to have an estimate of building permit fees and development impact fees that are applicable. Conditions of approval stipulate that all applicable fees be paid.

City Staff has consulted with its DIF specialist, David Taussig & Associates, to confirm the category applicable to them. It is acknowledged that previous impact fees in place in the City of Brawley specifically distinguished commercial uses. Churches were one such category. It is noted that the DIF was assessed on other church projects

per the 1999 schedule of fees for church related reconstruction. Western Avenue Baptist Church submitted a request letter to the City Council to not assess their fee of \$50,463.74.

The City Council **directed** that the Streets portion of DIF be reduced to \$2,500.00 from \$44,343.15 all other DIF allocations remain unchanged. m/s/c Nava/Noriega 5-0

- c. Discussion and Potential Action regarding the Volunteer Park Parking Lot - Phase 2 Project, to Accept funds from the Imperial County Air Pollution Control District (ICAPCD) Rule 310 - Operational Development Fee Program in the Amount of \$200,000 and Approve a City Council Resolution to Amend the FY 2016/17 Budget to Assume a Local Match in the Amount of \$86,817.90.

The City Council **approved** the Volunteer Parking Lot – Phase 2 Project, to accept funds from the Imperial County Air Pollution Control District (ICAPCD) 310-Operation Development Fee Program in the Amount of \$200,000 and **Adopted** City Council Resolution No. 2016-38: Resolution of the City Council of the City of Brawley, California Amending the FY 2016/17 Budget to Assume a Local Match in the Amount of \$86,817.90. m/s/c Nava/Kastner-Jaurequi 5-0

- d. Discussion and Potential Staff Direction regarding the Brawley Mobile Home Park.

Ryan Kelley, County Board of Supervisor District #4 mentioned to Council that on Friday the 2nd of September the Board of Supervisors had a special meeting to discuss the current status of the residents at the Brawley Mobile Home Park. The Supervisors approved a program for immediate assistance to help with a voucher for relocation either to use towards a deposit or for storage. Individual meetings were held with the homeowners on the availability of housing situation and also County planning spoke to them about their specific unit within the park, The County also initiated a rental assistance program. The County will utilize their HOME Program Funds to help the residents of the Brawley Mobile Home Park which is temporary help to last up to 24 months.

Jim Minnick, Imperial County Planning & Development Services Director mentioned that the Mobile Home Park has been a problem, and the park is in more disrepair since the last inspection. When the inspection was conducted after the fire, the park has numerous violations, not up to building code, electrical/plumbing and gas hazards as well. The park will not be reopened until owner and individuals make repairs to bring up to code.

Peter Woo, Owner stated that they would make the upgrades to the park and would landscape so it would look nice at a cost between \$300,000-\$400,000 dollars.

Manuel Raygosa indicated that he was representing the community of the Mobile Home Park. “Like you see we are humble people with limited income, they have helped us find a place which most of us have but we have a couple of families that still can’t find a place because they are more than six or seven persons in their household. Plus we need to do a contract of 6 months to a 1 year in most places, some families are already paying for their apartments out of their pockets.”

Eric Reyes, Brawley Resident mentioned that most of the Civic Groups were called concerning this issue knowing that they would be interested in looking at what is best for the residents. The Groups have had talks with Owners, Council, Supervisors and Owner of Park. The owners seem sincere as they are paying about \$2,300 a day. Mr. Woo indicated that they are going to bring Mobile Home Park up to date with a cost of approximately \$300,000 - \$400,000 but property owners will have to meet the County and City requirements. We need that Mobile Home Park for Affordable Housing,

CM Nava asked what assurance does the City have that Mobile Home Park Owners will not turn around and sell this property after it’s brought up to Code with both County and City monies?

Eric Reyes indicated to CM Nava that he has spoken to Mr. Woo about this and told him that in order for him to advocate for him he needs to submit plans. So far submitted plans are for electrical and have a contract signed with Contractor that will be doing the work at the Park.

Luis Olmedo, Executive Director Comite Civico del Valle, stated that he is not a resident of the area but would like to share his experience of being displaced back in June because of his home being flooded. It's one of the toughest experiences. I had to move into the Brawley Inn for about a month. The Council should be encouraged to help the residents in any way possible. Mr. Olmedo is not sympathetic to the owners as the park is an eyesore, blighted area for a long time.

John Hernandez, Brawley mentioned that it's great the County is stepping up. The residents of the Mobile Home Park want to know if they are going to be able to move back in: yes or no? They want to know if their unit is going to be red tagged or not and want someone to give them that answer. Seniors, elderly, disabled or farm workers are not getting any preference in housing stock because they are not red tagged,

CM Nava asked Mr. Minnick if the Mobile Home Park is tagged currently.

Mr. Minnick stated no and was asked why is help being prevented by being red tagged? Because generally we do a repair order first for the park and the units and if we don't get compliance we condemn everything.

CM Kastner-Jauregui asked how much time is given to comply. If the owner pulls permits then they are given time but as of today the owner has not pulled other permits besides electrical but was given a plan for all other repair orders that need to be made. The property owners need to go to the State to apply for their units.

The City Council **directed** staff to work with County to Administer Rental Tenant Funds for the Brawley Mobile Home Park Tenants. In order for the City to commit Program Income Funds the Property Owner must submit a plan for upgrade improvements to the park.

6. DEPARTMENTAL REPORTS

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

7. INFORMATIONAL REPORTS

- a. Record of Building Permits for June 2016 and July 2016, Prepared by Francisco Soto, Chief Building Official

8. CITY TREASURER'S REPORT

- a. Investment Activity Report as of June 30, 2016

8. CITY COUNCIL MEMBER REPORTS

Noriega: Attended the Parks & Recreation Commission Meeting and a topic that came up was trash in the Parks. The Police Officers who picked up trash were thanked. There was a Grand Opening for Dr. Fisher. I attended the Promotion ceremony of Police Sergeant Michael Sandoval and attended 8th Grade Graduation.

Kastner-Jauregui: Attended several Ad-Hoc Meetings in support of the Brawley Courthouse, Honor our Heros Police/Fire at Brownies, Zika Virus Meeting, Air Resource Board Meeting and Business Advisory Committee.

Nava: Attended multiple meetings.

Couchman: Attended Chamber Mixer, Air Pollution Meeting, Honor our Heros at Brownies and went Dove Hunting.

Wharton: Attended various meetings, went Dove Hunting, Heros at Brownies and walked Main Street.

9. CITY MANAGER'S REPORT None to report

10. CITY ATTORNEY'S REPORT

a. At 9th and "G" Streets there has been some movement of scooping up trash/bushes.

11. CITY CLERK'S REPORT None to report

12. CLOSED SESSION

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: 4 cases.

b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Name of Case: Brawley Oak Glen Land, LLC, et al. v. City of Brawley
Name of Case: Paramo v. City of Brawley

c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 049-023-009
Agency Negotiator: City Manager
Negotiating Parties: City of Brawley and Robert O'Brien and Elizabeth Machado
Under Negotiation: Potential parcel swap

ADJOURNMENT @ 9:03pm

Alma Benavides, City Clerk