

CITY OF BRAWLEY
December 15, 2015

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 **Pastor Mike Necuik, El Redentor Church**

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

1. APPROVAL OF AGENDA

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

2. PUBLIC APPEARANCES There was none

3. PUBLIC PRESENTATION

- a. **Mayor Wharton** presented Certificates of Recognition to the Brawley Jr. League Baseball Team as Inductees to the Imperial Valley Baseball Hall of Fame.

4. 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/Noriega 5-0

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

CM Kastner-Jauregui abstained from City Council Minutes of November 17, 2015.

- a. Approve Accounts Payable: December 3, 2015
- b. Approve City Council Minutes: November 17, 2015
- c. Approve Resolution No. 2015-69 : Resolution of the City Council of the City of Brawley, California Authorizing Investment of City Monies in Local Agency Investment Fund (LAIF).
- d. Approve Request for Travel Greater than 500 Miles for Equipment Mechanic II to Attend the Fire Mechanics Academy April 3-8, 2016 in Sacramento, California in an Amount Not to Exceed \$1,711.
- e. Award Project No. 2015-21 Purchase of Chemical Products for the Water and Wastewater Treatment Plants as follows:

1. Univar, USA Inc. for Sodium Hypochlorine in the Amount of \$72,880.00
 2. Polydyne Inc. for Clariflock WE 1474 Polymer in the Amount of \$35,672.00 and for Clariflock (R) C-308P Polymer in the Amount of \$20,898.00
 3. Kemira Water Solutions, Inc. for Ferric Sulfate in the Amount of \$48,720.00
- f. Authorize the Use of the Fire Apparatus During the Holiday Season for Community Organizations that Request Such Use.

5. PUBLIC HEARING

- a. Public Hearing for an Appeal of Malan Street Apartments Parcel Map (PM 1503)

Staff Presentation by Rosanna Bayon Moore, City Manager and Gordon Gaste, Planning Director

Cameron Johnson of Pacific West Associates was in attendance to represent the project developer.

*PowerPoint presentation slides are available upon request at the Office of the City Clerk.

Mayor Wharton briefed the public on letters received from resident Hugo Rodriguez and the Law Office of Barbara Macri-Ortiz.

Opened Public Hearing @ 6:30pm.

The following individuals entered public comments into the record:

Ashley Mendibles, Brawley Resident (representing 150 residents)

Andrea Roark, IVHA Executed Director

Gilbert Otero, Brawley Resident

Jim Pankratz, Brawley Resident

Sandie Hodgkin, Brawley Resident

Lorena Delgadillo, Brawley Resident

Identified areas of concerns during the Public Hearing:

- Traffic Study age
- Incomplete streets
- Traffic congestion
- Overcrowding of surrounding areas
- Fencing and wall surrounding project
- Southeast facing corner windows
- Quality of life impacts on existing residents
- Current need for affordable housing
- Economic impact of project construction - \$10M to local economy
- No funding for 2nd parcel
- Approval of the site plan without public notification
- A special meeting of the Planning Commission could have been arranged
- Loss of peace, safety, security

Closed Public Hearing @ 6:55pm

CA Smerdon defined the scope of the appeal. He noted the City Council's jurisdiction to approve, deny or take no action on the appeal. Government Code Section 66474 enumerates what factors can be taken into consideration for a parcel map denial. The burden is on the appellant. If the City Council upholds the Parcel Map appeal, a written decision will be required with defined evidence of the decision. A special meeting on this particular project could have been scheduled but based on the Planning Commissioners' feedback, there was no quorum with the recusals for the potential conflicts of interest.

PD Gaste stated that mitigation is already in place for the traffic study on Malan Street. The Parcel Map is in compliance with Health and Safety Code and the site is suitable for the proposed project.

CM Bayon-Moore addressed the concerns the public stated and restated that the site plan meets all of City standards.

Mayor Wharton motioned to deny Appeal of Malan Street Apartments Parcel Map (PM 15-03). m/s/c Nava/Campbell 3-2

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

6. REGULAR BUSINESS

- a. Discussion and Potential Action to Approve 1st Reading of Ordinance No. 2016- 01: Ordinance of the City Council of the City of Brawley, California Establishing a No Parking Zone on N. Rio Vista Avenue and Allowing the Movement of Traffic in a Northerly and Southerly Direction.

The City Council **approved** the 1st Reading of Ordinance No. 2016-01: Ordinance of the City Council of the City of Brawley, California Establishing a No Parking Zone on N. Rio Vista Avenue and Allowing the Movement of Traffic in a Northerly and Southerly Direction. m/s/c Nava/Kastner-Jauregui 5-0

- b. Discussion and Potential Action to Approve Urgency Ordinance No. 2015-09 : Ordinance of the City Council of the City of Brawley, California Imposing a Temporary Moratorium on the Commercial and Industrial Cultivation, Processing and Distribution of Medical Marijuana in the City Pending the Completion of Studies and the Preparation of an Update to the City's Zoning Ordinance.

The City Council **approved** Urgency Ordinance No. 2015-09: Ordinance of the City Council of the City of Brawley, California Imposing a Temporary Moratorium on the Commercial and Industrial Cultivation, Processing and Distribution of Medical Marijuana in the City Pending the Completion of Studies and the Preparation of an Update to the City's Zoning Ordinance. m/s/c Couchman/Nava 5-0

- c. Discussion and Potential Action to Authorize Contract Change Order No. 1 to Specification No. 2015-03 Purchase of Fire Engine Apparatus, to Pierce Manufacturing in the amount not to exceed \$52,339.11, a time extension of two weeks for completion delivery, and authorize the City Manager to execute all documentation in relation to this project.

The City Council **approved** Authorization of Contract Change Order No. 1 to Specification No. 2015-03 Purchase of Fire Engine Apparatus, to Pierce Manufacturing in the amount not to exceed \$52,339.11, a time extension of two weeks for completion delivery, and authorize the City Manager to execute all documentation in relation to this project. m/s/c Nava/Couchman 5-0

- d. Discussion and Potential Action to Prepare a Letter Opposing the California Department of Fish and Wildlife's Listing of the Flat Tailed Horned Lizard as an Endangered Species.

The Council **approved** preparation of a Letter Opposing the California Department of Fish and Wildlife's Listing of the Flat Tailed Horned Lizard as an Endangered Species. m/s/c Noriega/Couchman 5-0

- e. Discussion and Potential Action to Change Regular City Council Meeting Date and Time on January 19, 2016 to January 26, 2016 at 6PM.

The Council **approved** the Change Regular City Council Meeting Date and Time on January 19, 2016 to January 26, 2016 at 6PM. m/s/c Nava/Noriega 5-0

7. DEPARTMENTAL REPORTS None to report

8. INFORMATIONAL REPORTS

- a. Attendance Summary & Minutes for City of Brawley Boards/Commissions from July 1, 2015 to December 11, 2015.

- 1) Brawley Planning Commission
- 2) Brawley Public Library Board of Trustees
- 3) Airport Advisory Commission
- 4) Oversight Board-Successor Agency to the Brawley RDA
- 5) Brawley Business Advisory Committee
- 6) Brawley Parks & Recreation Commission

- b. Record of Building Permits for October 2015, Prepared by Francisco Soto, Building Official

9. CITY COUNCIL MEMBER REPORTS

Noriega Attended various Christmas events. Invited everyone to the American Legion on December 20th for a luncheon. From 4 to 8pm, photos with Santa Claus will take place.

Kastner-Jauregui Attended Christmas Tree Lighting Ceremony, Angel Tea Party and other various events.

Nava: Attended ICTC, Christmas Tree Lighting Ceremony, Angel Tea Party, Senior Center Event, Community Valley Bank Mixer, the Farmers Market, the Bike Event at Chabela's and a Mayors Luncheon in La Quinta.

Couchman Attended Christmas Tree Lighting Ceremony, Angel Tea Party, Overall Economic Development Commission Meeting, Elk's Auction in which money was raised for scholarships, Community Valley Bank Mixer and the Bike Event at Chabela's.

Wharton Attended various events previously mentioned and wished all staff happy and safe holidays.

10. CITY MANAGER'S REPORT

Bayon-Moore Provided an update on communication with the Imperial Valley Regional regarding winter shelter facilities. The Taskforce inquired if the City of Brawley has public facilities that can be utilized as a temporary overnight facility for about 60 days during the hours of 6pm to 7am, 7 days a week for a winter shelter. Reviewed with Parks & Recreation Director to discuss the suitability of the Lions Center. The gym is already scheduled for

daily open gym while kids are out of school. Stated will look at contacting local churches and exploring motel vouchers.

Noriega Suggested reaching out to National Guard Armory for veterans.

Nava Expressed concerns with compatibility of shelter recipient and participants in recreation programming.

Kastner-Jauregui Inquired if Task Force is coordinating and encouraged a planned solution as opposed to a temporary solution.

11. TREASURER'S REPORT None to report

12. CITY ATTORNEY'S REPORT None to report

13. CITY CLERK'S REPORT None to report

ADJOURNMENT @ 8:46 PM

Lorena Savala, Deputy City Clerk