

CITY OF BRAWLEY
February 1, 2011

The City Council of the City of Brawley, California met in a Regular Meeting at 6:00 PM, Council Chambers, 383 Main Street, 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 Campbell* at 6:05 PM

The invocation was offered by *Pastor Arturo Pesquiera of Victory Outreach*

The pledge of allegiance to our flag was led by *CM Miranda*

PRESENT: Campbell, Couchman, Miranda, Nava

ABSENT: Kelley

CM Kelley entered @ 6:15 PM

APPROVAL OF AGENDA

The agenda was *approved* as submitted. m/s/c Miranda/Couchman 4-0

AYES: Campbell, Couchman, Miranda, Nava

NAYES: None

ABSTAIN: None

ABSENT: Kelley

1. PUBLIC APPEARANCES/COMMENTS There was none to report.

2. PRESENTATIONS

a. CERTIFICATE OF APPRECIATION PRESENTED TO BERNICE CISNEROS LUCIO.

Mayor Campbell presented to Mr. Joe Lucio son of Bernice Lucio a Certificate of Appreciation for being a Brawley resident for over 80 years and a past member of the Brawley Senior Citizens Advisory Board. She was an advocate to get sidewalks and street lights on the east side of town.

b. UPDATE BY CALTRANS ON BRAWLEY BY-PASS-SHAWN RIZZUTTO.

Mr. Shawn Rizzutto Construction Engineer for Cal-Trans District 11 mentioned about the Brawley By-Pass Stage 2 and 3. Stage 2 (Highway 111/78) is behind schedule because of some issues with the pavement that didn't meet Caltrans standards. Signs and guardrails are currently being installed and a completion date for Phase 2 is expected to be around the middle of April, 2011. Phase 3 which connects to Phase 2 or Highway 86 is to begin February 17th with a 55 day

start delay, currently we are working with AT&T. Granite Construction was awarded the contract we are using local workforce for construction. Granite Construction submitted an early completion schedule which would mean the project could be finished up to (4) four months ahead of time we are still looking at a completion date of fall of 2012.

3. DEPARTMENT REPORTS There was none to report.

4. CONSET AGENDA

The consent agenda was *approved* as amended. m/s/c Couchman/Miranda 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

Item 4-h: Approve First Time Home Buyer Program: Case #19 *was pulled from consent agenda and moved to regular business.*

- a. ***Approval*** of City Council Minutes December 7, December 17 and December 21, 2010.
- b. ***Approval*** of Accounts Payable Registers January 14 and January 20, 2011.
- c. ***Approval*** of Resolution No. 2011-04 Resolution of the City of Brawley, California, approving the Destruction of Certain Police Department Records, Documents and Papers, Pursuant to Sections 34090 of the Government Code of the State of California.
- d. ***Approve*** for Mayor and City Manager to attend National League Cities/Congressional Meetings in Washington, D.C. from March 12-17- 2011.
- e. ***Approve*** budget adjustment for Fire Department in the amount of \$8,764.89.
- f. ***Approve*** Ultra Violent Lamps and parts for Wastewater Treatment Plant Disinfection System in amount of \$24,652.54.
- g. ***Approve*** purchase of Filter Retrofit for 1995 Water Truck mandated by Federal EPA requirements with a time schedule.

5. REGULAR BUSINESS

a. APPROVE FIRST TIME HOME BUYER PROGRAM: CASE #19.

CM Nava stated that this property value was based on an appraisal that was done in August of 2010. Financing is only for the construction of 900 sq. ft., which amounts to like \$135,000. We are in second position, they are good borrowers and it's a small loan amount of \$8,000.

The council *motioned* to approve the First Time Home Buyer Program: Case #19. m/s/c Miranda/Nava 5-0

b. AWARD BID TO DUGGINS CONSTRUCTION INC., FOR PROJECT NO. 2010-02 FIRE STATION #2 FOR AN AMOUNT OF \$2,523,994.00.

Staff Report – Yazmin Arellano, Public Works Director

On November 17th, 2010 we advertised the bid and on January 13th, 2011 we received 6 (six) bids. After reviewing the bids the apparent low bidder was Duggin's Construction. Within the next 30 (thirty) days we will be having a pre construction meeting and then issue the Notice to Proceed which occupancy is expected by 2012.

CM Couchman mentioned that looking at the bids they came in a little too high we need to look at alternatives. I just want to make sure the public knows.

The council *motioned* to award the bid to Duggin's Construction Inc., for Project No. 2010-02 Fire Station #2 for an amount not to exceed \$2,523,994.00. m/s/c Miranda/Kelley 5-0

c. UPDATE ON FEBRUARY 17, 2011 EMPLOYEES RECOGNITION EVENT.

PD & RM Bonillas stated that on February 17th, 2011 we will be having our Employees Recognition luncheon at Aspen in the Desert from 11:30 AM - 1:00 PM. We will be preparing an agenda for the event, the food will be buffet style and we will have cake as dessert. A blanket with the City logo will be given to every employee's and we will also have some games.

CM Burroughs mentioned that it will be similar to last years and departments will close their offices.

d. DISCUSS/ACTION ON 2011 BALLOT MEASURE.

CM Burroughs mentioned that Mr. Hull of the Brawley Chamber of Commerce is going to host a kick-off meeting sometime in March and then the City will be holding town hall meetings in conjunction with the Brawley Chamber, service organizations and staff. We will put break downs on our website.

CM Kelley stated that on the Utility Tax the Public Safety Committee is willing to help out. We need to take a look at rates. With a 5 year extension we need to start winging ourselves off it.

CM Campbell mentioned that we really need to take a hard look at what CM Kelley just commented.

CM Nava asked if there was a possibility to get a break down or get projections. *Answer:* Yes, I can set up different scenarios, because it's in the general fund it ends up in public safety, and maybe short falls in the long run. (*Burroughs*)

e. UPDATE ON CITY BUDGET.

Staff Report - Ruby Walla, Finance Director

FD Walla passed out to Council seven (7) page expenditure for the Wastewater Fund. There was a change to 1,177,236.00 a percentage of 43% and a power point presentation

CM Burroughs stated that he works very closely Ms. Walla. We have \$4.9 million in reserves and we will be working shortly on the budget.

f. DISCUSS DEVELOPMENT IMPACT FEES AND WATER AND WASTEWATER CAPACITY FEES.

Staff Report – Gary Burroughs, City Manager

Just to let you know that the consultants will be here at the February 15th meeting for the Public Hearing and last have a lengthy discussion. Every city is different you as council had concerns with fees that they were high in comparison with other cities, so what we have done is compared similar businesses. Gordon Gaste, City Planner will present comparisons on development impact fees and Yazmin Arellano, Public Works Director will present comparisons for Water & Wastewater capacity fees.

PD Gaste presented a power point presentation on Development Impact Fees.

PWD Arellano presented a power point presentation on Water & Wastewater Capacity Fees.

CM Burroughs indicated again that we will have the Public Hearing February 15th and consultant will be here. They are experts and we have done the proper procedures, we are 20% higher than other cities but we will be good to do business and could do some phases in structure at the max and then pass the full fees. The city will limit the total fee charge.

CA Morita stated that the approach would be to implement the fees as recommended and then prepare the resolutions and limit it, we will work on the wording.

CM Nava mentioned that he had lots of concerns about the proposed fee in comparison to those fees we need to look at this because it can put us out of the market.

CM Burroughs we need to stand in concurrence, need to compare apples to apples my recommendation is the Water and Wastewater does not limit those.

Mayor Campbell stated we really need to look at those fees.

CM Nava mentioned that we need to look at the Capital Improvement Projects and look at what we really need.

CM Couchman indicated that we need to look at reality the water capacity fee is \$170 and it jumps to \$400. Someone needs to convince me and we need to talk more about these fees.

CM Burroughs mentioned that this is based on a large facility and I think it was over estimated.

CM Miranda asked what is the possibility of what would happen if we don't approve this and what is the plan? **Answer:** We can't issue anymore permits and cannot do developments plus we need a number of police officers per city capita. (**Burroughs**)

CM Couchman asked if we are prepared for the Public Hearing on February 15th. **Answer:** Based at the number of people that attended the workshop we will have it here. (**Burroughs**)

CM Kelley asked did we discuss and agreed to have it here? **Answer:** We can go ahead and set up at gym with audio. (**Burroughs**)

P&R D Morgan stated that it is basketball season and the gym is full.

CM Kelley suggested seeing if Palmer Auditorium was available if not look at other City facilities.

Hidalgo Society representative Ramon Castro mentioned that the hall was available on February 15th at 6:00 PM if needed.

CM Kelley said one thing I want clarified is can you use impact fees to pay for staff? **Answer:** Actually capacity fees can be used for personnel and impact fees can be used to pay for equipment. Normally what you do with impact fees you can put in Capital Improvement Projects but you don't have too but usually you do and yes you are correct impact fees don't pay for personnel. (**Burroughs**)

James Brownyard of Desert Valley Builders Association stated he was in the process of reviewing the fee study to see if it was appropriate and accurate. I want to see if the needs are there and if it meets the nexus requirements. I had several conversations with Mr. Burroughs and staff and they have provided me with materials. I hope to have my review of the study by next Friday so everybody has an opportunity to review my comments. We always state that industry should pay for itself but not a nickel more. One thing I look at is the existing deficiency if we weren't building today, do we really need something so those are some hurdles that we get over. Some cities have deferred fees and some have adopted and deferred them to another year but that doesn't get you what you need but what we do need is projects to be moving ahead to provide those jobs, the tax monies that you can collect for general funds for facilities under the impact fees. We need to get the momentum started and I'm afraid that even with the proposed one-third of the total fees it's a death melt to the total projects that are actually moving forward at this time.

CM Nava mentioned to Mr. Brownyard that it will be very interesting to get his opinion from that prospect.

Mayor Campbell stated believe me we are not her to kill projects, we are here to help and we are going to make sure we do that. This council is very interested in development and you are right we need to look at our impact fees and we are going to do that in the right way.

Mario Gonzales of Springhouse mentioned that he was here before council back in the fall and we had a very nice discussion about coming into the city and purchasing a project or two with a lot of help from staff and hard work from a lot of people in town here we are the proud owners of Springhouse Project. This decision you are about to make is tough and it impacts our project. I have been in the development business for close to 30 years and do believe me we should pay our fair share and I think that's our responsibility. The city is here to maintain certain improvements and so forth but I think today it is unfortunate with the market and condition that the economy is right now this could really hurt everyone. We bought this project and again we wouldn't have without the great help of the staff. It has been wonderful to work with staff and this is the first for us and we definitely would have considered not purchasing this project if we had known that these fees potentially were on the table. I do appreciate the dialogue of the concerns of the Council expressing this evening and I understand the concerns of the City Manager but I would like to do anything and everything we can to defer these things and really take a hard look at them. I am also on the board of the Desert Valley Builders Association and it is really important to us that we watch these things not only for us but for our fellow builders. I know there are people looking into your city to pick up on all these broken projects. I am glad you are going to provide a facility for that because there is going to be a lot of concern folks here for that, overall an 80% of an increase is really tough. Again we bought a project, we are putting millions of dollars we are creating jobs and have people spending money here locally. I just hope we don't stop the momentum without running into a road block.

Chairman of the Planning Commission Eric Reyes indicated that this reliantly is a bitter appeal but also with the past knowledge the fees have not been raised. I was with the last committee and the previous City Manager and the current Mayor and they made a motion back then to raise the fees and would have been doing half of the fees as you're doing now but they died due to a lack of a second. It would have been phased in within five (5) years which you would have barely hit the peak point just about now. Those are issues that you need to consider as well and the developers we understand where they are coming from. CM Couchman I understand your concerns about residential over a 30 year life of a mortgage loan it is not a whole lot actually it will be impounded into the price of the home, people would want to build if there is a market for the houses regardless of style, price and location. El Centro which traditionally has the highest impact fees currently has the most homes being approved to be built. If there is a market people will build and people will buy. You still need to go over the business fees but they are different than a residential home, if you look what the market is now it is much less than what the people have bought homes for which many were foreclosed and understand the impact fees where they were very low and we are hurting for that reason. Infrastructure hurts and you have to pay for what you built as it goes. I had this conversation with the BIA and now Desert Valley Builders Association also throughout the year at the county.

CM Campbell thank you Mr. Reyes again we do need to look at the impact fees and we know we need to increase them and do it the right way, so we don't stop development. This council and staff understand that.

Tom DuBose Past President of Desert Valley Builders Association commented that he appreciated the dialogue and truly understood as a longtime resident of Brawley. I know exactly where we've been and I have a very good feeling where we need to go bottom line is that whether we're a home buyer or a commercial developer who is looking for the tenants that the city desire to be brought into the town but at the end of the day you got to meet the demands of the consumer whether it's the home buyer who wrestles with the price of the home or when that interest rate moves a point that is a difference between a person qualifying and not qualifying for a home. When you're kicking around numbers whether it's amortized or a long period or not you can appreciate that our people who work here who have a job within this community there is a fine line of what they can afford. I know that we need to have dollars to be able to get ourselves the expansion to allow ourselves to grow but we really need to find a way to do this so that it does not stop the progress or keeps us from starting the economy again in that particularly area. We got to create jobs and if we create those jobs then there is no doubt in any bodies mind now how much the building industry mean we have to find a way to stimulate that once we get this moving again and get people back to work and people will spend money and sales tax start flowing again then everybody benefits and profits plus we will be able to see those numbers come up. I appreciate everything that the City Manager and staff has done but I'm just hoping that over the next couple of weeks that we find a way that whatever we do here that we find that happy median so that we can make it work for everybody around the table because we can't afford to be stacking.

Mayor Campbell mentioned that he concurred with Mr. Reyes a few years back I did make a motion to increase impact fees on incremental bases but it died for lack of second. We need to work together to get this done this time.

CM Nava commented that there has been talk of small and 24 hour fast food restaurants coming into town so you got to keep them in mind. They will be employing several people that maybe were not employed. Those are things that we need to consider as well, I'm anxious to hear from DVBA to see what they have to say. So the Council needs to consider both ends of the spectrum and come to some agreement.

g. MAYORAL APPOINTMENTS.

Mayor Campbell mentioned if any changes needed to be made to advise the City Clerk.

The council *motioned* to approve the Mayoral Appointments. m/s/c Miranda/Couchman 5-0

6. COUNCIL MEMBER REPORTS.

- a. **CM Couchman** stated he attended the Enterprise Zone, Solar Energy, and CDC for Geothermal meetings, the Calexico Border Crossing remodeling downtown of the downtown crossing.
- b. **CM Miranda** said that the California Redevelopment Agency training was postponed, I attended two (2) fundraisers and was amazed on

how the community came together and raised over \$20,000 in 10 days to help Anthony Garcia and Martin Zamora, Jr.

- c. **CM Kelley** stated he wanted to thank CM Miranda and others in the community that helped out with the fundraisers.

I have spoken to some citizens from the community and they informed me of the street sweeping changes can I be provided with a street sweeping schedule?

I would also like bike lanes to be considered on Imperial Avenue on the North and South sides.

What about lighting at Cattle Call Park?

I would also like someone to go take a look at the shade at the Boys & Girls Club it looks like it is broken off in some areas maybe we can give them some kind of assistance.

- d. **CM Nava** mentioned he attended the California League of Cities Seminar in Sacramento January 18 -19, 2011. The senator basically talked about RDA, I met with Assemblyman Perez and I asked his opinion and at that time it was reform, the Fire Station can be impacted. I attended the Brawley Chamber of Commerce meeting and some issues there are they are down to one (1) employee and looking at hiring someone at a Secretary level to assistant Mr. Hull.
- e. **Mayor Campbell** said he attended the Taste of the Valley at the Stockmen's Club and was well attended.

7. CITY MANAGER REPORT

- a. On February 15th, from 1:00 – 5:00 PM we have the Substantially Workshop scheduled.
- b. The Brawley Chamber of Commerce will host the 1st Annual City of Brawley Mayor Address, tentatively scheduled for February 8th at 7:30 AM with breakfast @ Aspen of the Desert.
- c. The New City Website launched yesterday we have some technical issues but Conveyor Group is working on them.

CM Nava mentioned that the contact us on the webpage doesn't work. **Answer:** We will relate to James. (**Burroughs**)

7. ADJOURNED TO CLOSED SESSION

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY.

None to report

ADJOURNMENT @ 8:05 PM

Alma Benavides