

CITY OF BRAWLEY
February 15, 2011

The City Council of the City of Brawley, California met in a regular meeting at 6:00 PM, Hidalgo Hall, 420 South Cesar Chavez 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 Lasky*

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

PRESENT: Campbell, Couchman, Kelley, Miranda, Nava

ABSENT: None

APPROVAL OF AGENDA

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

AYES: Campbell, Couchman, Kelley, Miranda, Nava

NAYES: None

ABSTAIN: None

ABSENT: None

Item 4-c: Approve Resolution No. 2011- : Resolution of the City Council of the City of Brawley California approving the expansion of the Imperial Valley Enterprise Zone Boundaries *was pulled from consent agenda and moved to regular business.*

Item 4-d: Approve Resolution No. 2011- : Resolution of the City Council of the City of Brawley, California supporting the Imperial Valley Research Center *was pulled from consent agenda and moved to regular business.*

1. PUBLIC APPEARANCES/COMMENTS

Rodolfo Magallanes stated that he takes his daughter walking to Meserve Park and there is only sidewalk on one side of the park and that it is very dangerous to have to walk on the street and also the lighting is a problem.

Mayor Campbell mentioned to Mr. Magallanes that someone will take a look.

2. PRESENTATIONS

Mayor Campbell read a proclamation honoring Employee Appreciation & Recognition Day. He also thanked staff.

3. DEPARTMENT REPORTS There are none to report

4. CONSET AGENDA

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

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

- a. *Approval* of City Council Minutes January 4, and January 18, 2011.
- b. *Approval of* Accounts Payable Registers January 27, January 28 and February 3, 2011.
- c. *Approve* purchase of Mobile Law Forms Module.

5. REGULAR BUSINESS

a. APPROVE RESOLUTION NO. 2011-05: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA APPROVING THE EXPANSION OF THE IMPERIAL VALLEY ENTERPRISE ZONE BOUNDARIES.

Diane Cason Enterprise Zone Manager mentioned this is an expansion to add Hudson Ranch Power I to the zone. The power plant will produce nearly 49.9 megawatts of geothermal power when complete in 2012.

CM Kelley asked where is the site location of this project. *Answer:* It is located north of Brawley. (*Cason*)

The council *motioned* to APPROVE RESOLUTION NO. 2011-05: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA APPROVING THE EXPANSION OF THE IMPERIAL VALLEY ENTERPRISE ZONE BOUNDARIES. m/s/c Miranda/Couchman 5-0

b. APPROVE RESOLUTION NO. 2011-06: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA SUPPORTING THE IMPERIAL VALLEY RESEARCH CENTER.

Mayor Campbell stated this item was moved to regular business for clarification on the budget year.

CM Burroughs stated there is an issue with the fiscal year if its 2011 or 2012. We will look into it and change if needed. I would only ask Council to make a motion to have Mayor sign after we verify year. This resolution has been done for 3 years.

The council *motioned* to APPROVE RESOLUTION NO. 2011-7: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA SUPPORTING THE IMPERIAL VALLEY RESEARCH CENTER. m/s/c Couchman/Nava 5-0

6. PUBLIC HEARING

Staff Report – Gary Burroughs, City Manager, Yazmin Arellano, Public Works Director and Gordon Gaste, Planning Director

CM Burroughs mentioned that tonight we will present and talk about the Water/Wastewater Capacity Fees and Development Impact fees. It started early last year and has been a lengthy process and a lot of analysis based on 2 years worth of approved process for our 10 year Capital Improvement Projects and an update to our General Plan. This process has been public for two (2) years for the availability for comments by the general public so therefore we do have an adopted general plan and a 10 year CIP which are two (2) key documents when you look at fees all of this leads to a recommendation that was done in December by the Planning Commission. After taking discussions from the public and after deliberations the Planning Commission adopted recommendations that they have submitted to the City Council which will be presented tonight. The Planning Commission recommendation took no exception to the fees no matter how the fees were calculated. The information upon the fees was calculated that lead to the Planning Commission because of the concerns about economic development and our competitive nature. The competitiveness with adjacent communities leads to the Planning Commission to recommend a phasing in of the fees in over a multi year period. The City Council has discussed these fees on multiple occasions to include the last several Council meetings these fees have been discussed which leads us to the public hearing tonight which is require by State statue as will be explain by the consultants who are the professionals in these fields and who have done hundreds of studies in California. Development fees are imposed on new development so that new development pays for the increase service level required by the new development such that existing businesses and existing residents do not have the burned of that additional cost providing that new capacity. Last time City of Brawley revised their fees was 1990s; in 1999 the City actually done away with the industrial fees. So it's long overdue for the City of Brawley to seriously look at these fees and make the appropriate revising as our sister cities have done; I will submit to you that we are not our sister cities; our requirements we need to do are different because we progress differently. Brawley's impact fees have not increase since September of 1999; these fees are different from the other cities. I have my recommendation to aggressively phase in fees; addition on percentage absorb and phase in fees; I choose 3% but not more of the 120%; we can charge 120% and still be competitive.

PWD Arellano and Principal of Bartle Wells and Reed Schmidt presented a power point presentation on the Water & Wastewater Capacity Fee Study.

CM Burroughs mentioned that the way to set the public hearing is to continue with the presentation and wait until the end for public comments.

PD Gaste and Andrea Roes of David Taussig & Associates presented a power point presentation on the Development Impact Fee Study.

CM Kelley asked if the Planning Commission had changed their recommendation since the last meeting. **Answer:** No, it's been the same. (**Gaste**)

CM Nava asked why we are comparing to other cities. We were told we would not be compared to other cities.

CM Burroughs stated that he concurred with CM Nava we shouldn't be compared to other cities but we need to show how we got to the fees.

CM Miranda asked on the figures why can't we go on some 120% and others less. If a developer comes and if any of the other cities is charging less they will likely go to another city.

CM Burroughs mentioned that on property taxes on residential homes we do not come at all close where we make money is from the revenues.

PWD Arellano stated that on residential and commercial fees we need to raise because we are at capacity at both plants.

CM Burroughs said that if someone comes in and asks to lower those fees by law we have to make the difference.

CM Morita mentioned that the current ordinance requires that you make a finding to reduce fees.

CM Couchman stated that his point of view is to see if we need to raise fees but there is a way to do that; we need to Phase in the fees I do not doubt the fact that we need to raise fees but let's look at a reasonable fee.

CM Burroughs mentioned that he had to comments we grandfather the adoption fees and second (2) let's look at a variety of opportunities to change the fees. How you adopt is how we can change in one (1) year or six (6) months.

Mayor Campbell said that we need to make sure that when we adopt these fees that we look at everything and be reasonable.

RECESS @ 7:27 PM

RECONVENED @ 7:40 PM

James Brownyard of Desert Valley Builders Association stated that he had questions in regards to the Wastewater responses. What is that we are expanding to? There is some kind of confusion 137% capacity for water and 131% for wastewater is doesn't explain. What cost would that be to expansion? And then charge full capacity to the next guy.

Mayor Campbell asked Mr. Brownyard that he had mentioned he hadn't received responses from whom? **Answer:** I have not received from the last meeting the comparison fees from the Public Works Department. (**Brownyard**)

Mr. Brownyard stated that in order to establish the nexus, do we have the capacity to service?

Mayor Campbell suggested to Mr. Brownyard to come in and meet with the City Manager and express his concerns.

CM Burroughs stated he disagreed with Mr. Brownyard.

Mayor Campbell mentioned that we still need to meet and discuss concerns.

Mr. Brownyard stated that he was unprepared but can submit letter with concerns to City Manager.

Tom DuBose of Development Design and Engineering said that Imperial County and a lot of the cities need to lower their fees due to the economy, please give us time to work with you a couple of weeks not a month. We fear Development Impact Fees, we need lowest fees for home buyers, let's work together to get a reasonable fee, the infrastructure goes up and there will be no home buyers because they can't afford it.

Stuart Chelin of Springhouse stated that those fees will make it their project stall; we have 35 units in Imperial County that have not sold. The key here is to be fair unfortunately the City Manager's recommendation and Planning Commission recommendation is 120% highest in the Valley and time is reluctant in these projects.

Dan Dobron of Pacific West Development stated that back five (5) years ago this was a big development, we see some patterns that are possible, we purchased 120 lots, this city has made the best opportunity to build here.

CM Miranda mentioned that he is nervous on how we need to raise fees but if we work together and understand like what CM Couchman said we need to raise a fee but need to work together.

Chairman of the Planning Commission said that we have struggled with this before. Mayor Campbell was on the council back then and made a motion to adopt but it failed and now I know how hard it's on the economy but we need that money, we are losing opportunities and need those fees, they need to pay for developments.

Mario Gonzales of Springhouse stated that he concurred with his fellow colleges. **CM Couchman** made a valet comment development needs to pay a fair share we can sit and talk and set some opportunities. Last year I was never told that we may be impacted with these fees.

Tom Topuzes Business Consultant said that he had clients here in Brawley; you need to take a precaution on setting fees. I am very surprised on the fee you presented tonight you need to balance the decision and do what is right for Brawley.

CM Burroughs stated that he worked with all of them except Mr. Reyes. The city can lose substantial fees more than 120%; this is not substantial enough to pay with property taxes. Impact fees are enough to get we have waited fifteen (15) years and we are waiting on Burger King to pull permits there are some commercial activities so we do have people that want to come in.

CM Kelley mentioned that in respect to Mr. Gonzales we need to setup meeting to discuss.

CM Nava remarked that it was a hard decision to make but it impacts the City and impacts the services we need to cover our bases, the nexus is high, let's evaluate these more often and adopt the full fee but review it in a year.

CM Couchman stated there are two (2) basic proposals appropriate to me. One is to Phase in but I do have some concerns and we need to evaluate again in a one (1) year and the second is to Phase in 5 years.

CM Burroughs asked for clarification on some questions.

CM Kelley stated to read chart and find a median ground that is reasonable.

CM Burroughs mentioned when you say stop at three (3) years and if you don't go with that then go with what?

CM Nava said in three (3) years you will have to do the process again.

CA Morita said he believes that you will have to go thru the process again.

CM Burroughs the problem is the procedure if you adopt the first year and then come back and do the same process.

CM Miranda stated that we should accept the Planning Commission recommendation because I don't agree with the City Manager's. We are running out of public services.

The council made various *motions* to adopt Water and Wastewater Capacity Fees and Development Impact but died to lack of vote.

The council *motioned* to continue the Public Hearing until Tuesday, March 22, 2011.

a. ADOPT RESOLUTION NO. 2011- : RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ADOPTING THE WATER AND WASTEWATER CAPACITY FEES.

b. ADOPT RESOLUTION NO. 2011- : RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ADOPTING THE DEVELOPMENT IMPACT FEES.

7. COUNCIL MEMBER REPORTS There was none to report.

8. CITY MANAGER REPORT There was none to report.

ADJOURNMENT @ 9:30 PM

Alma Benavides