

CITY OF BRAWLEY
February 22, 2011

The City Council of the City of Brawley, California met in an adjourned 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** @ 6:00PM

The invocation was offered by **Mayor Campbell**

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

PRESENT: Campbell, Couchman, Kelley, Miranda, Nava
ABSENT: None

APPROVAL OF AGENDA

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

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

1. PUBLIC APPEARANCES/COMMENTS

Diane Cason, Enterprise Zone Manager commented on Enterprise Zone legislative updates and stats created for individual & aggregate zones (42), hired marketing firm Wilson-Miller to counteract negative publicity and negative reports, assist lobbying efforts and create website. On the elimination of the Enterprise Zone Program there has been several committee hearings testimony from city officials and businesses like Simbol Mining, Cal Energy, Hudson Ranch, and Enterprise Managers. Visiting Sacramento for IVEZ & CCEZ, on Reform Legislative introduced by Assemblyman Manuel Perez AB 11 (Extraordinary Session), AB 231 & 232 for better accountability, better reporting, stricter guidelines and all supported by CAEZ but subject of amendment. We need to do phone and email blasts.

Mayor Campbell does that go straight to Mr. Perez? **Answer:** Yes (**Cason**)

Roy Livingston, a Brawley resident stated that he had a couple of issues 1) Brawley taking over Main Street towards Highway 111 I think it's very pathetic the city doesn't not have money to fix the streets and the alleys along Main Street, there are potholes and un-kept streets all over Brawley 2) Best Road the 25 mph speed limit needs to be raised to 45 mph, on the Westside of Best Road you still have warning signs I don't see work being done get rid of those signs.

2. DEPARTMENT REPORTS There was none to report.

3. CONSENT AGENDA

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

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

- a. **Approval** of Accounts Payable Registers February 10 and February 11, 2011.
- b. **Approve** Final Map (PM-10-03)-324 West Legion Road.
- c. **Reject** claim as recommended by Carl Warren & Company Insurance Management Claims Adjusters: Hilda Islas

4. CONTINUED PUBLIC HEARING

CONTINUED PUBLIC HEARING: DISCUSS/APPROVE WATER & WASTEWATER CAPACITY FEES AND DEVELOPMENT IMPACT FEES.

Staff Report - Yazmin Arellano, Public Works Director, Gordon Gaste, City Planner and Gary Burroughs, City Manager

Please note that one (1) the total calculated Development Impact Fees and two (2) the Water and Wastewater Capacity Fees are separate items that would be added together to calculate the total Development Impact and Water/Wastewater Capacity Fees.

PUBLIC HEARING OPEN @ 6:15 PM

James Brownyard, Desert Valley Builders Association stated that after a view of the study it appears that all needs and projections established in these studies include areas beyond the City of Brawley boundaries. To establish a needs list, a nexus and subsequent fee schedule the city must have the authority to collect the fee. The city does not have the authority to collect fees from projects beyond the city limits nor may the city include the needs beyond the city limits when establishing an impact fee.

Stuart Chelin, Springhouse Subdivision mentioned that 7 days was not enough time to review the report I apologize for that, it had totals and proposals.

PUBLIC HEARING CLOSED @ 6:25 PM

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

CM Kelley stated he can't accept the percentage of those fees being recommended by the Planning Commission to Phase in 3 years.

CM Campbell mentioned that he thinks we need to look at the first year.

CM Burroughs reminded council if they adopt fees for one year that they will need to do this again.

CA Morita stated that it depends the way you implement it, if you implement it for one (1) year I concur with the CM Burroughs that you will have to do another study in a year.

CM Couchman mentioned that he is not comfortable with all the fees of 3-5 years, there are issues to revisit each year, impact to development, water, and etc. I have an issue with the top fee; I don't think we are competitive but very high.

CM Kelley stated he still has concerns if we accept the entire fee study and we allow staff to come back with recommendations, or if we are not here and another council comes and adopt fees at a faster pace.

CM Nava mentioned he was suggesting accepting the Planning Commission recommendations and review in one (1) year.

CM Campbell stated he concurred with CM Nava.

CA Morita mentioned that if you implement a fee and in twelve (12) months you want to change it you will have to do another study or take the Planning Commission recommendation and limit it for one (1) year but you need to add that to your recommendation.

CM Miranda remarked that the prior council did not make a decision and that does not mean that we have to stop now.

CM Nava mentioned to adopt the planning commission recommendation with a twelve (12) month review and to make changes if deemed appropriate.

CA Morita clarified that this means approval of the total fee and if this council or a future council takes no action it will stay the same.

CM Nava remarked that it did not necessary have to change.

CM Morita clarified that absent any change that is the schedule.

The council ***motioned*** to ADOPT RESOLUTION NO. 2011-07: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ADOPTING THE WATER AND WASTEWATER CAPACITY FEES as set forth in the Bartle Wells Associates Study. Implementation of the fees shall be pursuant to the Planning Commission recommendation. The City Council will review fees not less than annually. In the absence of action by the City Council, the fees shall be implemented per the Planning Commission recommendation. m/s/c Nava/Miranda 3-2

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

b. ADOPT RESOLUTION NO. 2011-08: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ADOPTING THE DEVELOPMENT IMPACT FEES.

The council ***motioned*** to approve ADOPT RESOLUTION NO. 2011-08: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ADOPTING THE DEVELOPMENT IMPACT FEES as set forth in the David Taussig & Associates Study. Implementation of the fees shall be pursuant to the Planning Commission

recommendation. The City Council will review fees not less than annually. In the absence of action by the City Council, the fees shall be implemented per the Planning Commission recommendation.

m/s/c Nava/Miranda 3-2

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

5. COUNCIL MEMBER REPORTS

- a. **CM Couchman** stated he attended the Employees Recognition Luncheon and mentioned it turned out very nice and was well attended.
- b. **CM Miranda** mentioned he also attend the Employees Recognition Luncheon and was very nice and good food was served. On March 23, 2011 the Honorable John Chiang, California State Controller, Assembly Member Manuel Perez and myself will be offering Free Tax Preparation at the Del Rio School Site.
- c. **CM Kelley** stated that he wants to congratulate Council on making a decision tonight and hopefully it doesn't damages us, I applaud the Council.
- d. **CM Nava** mentioned that he wants to thank staff that put together the Employee Recognition Luncheon and I want to thank staff for all their hard work.
- e. **Mayor Campbell** stated that he would like to prepare proclamation to recognize the Brawley Union High School Wrestlers for winning 11 consecutive CIF titles, I attended the Officers Swear In at the Brawley Senior Center, rode in the Holtville Carrot Festival Parade, attended the Imperial Irrigation District 5th Annual Lineman's Rodeo at the Cattle Call Arena and attended the Employee Appreciation Luncheon.

6. CITY MANAGER REPORT

- a. **CM Burroughs** stated to Council that staff and I appreciate your time and dedication for a decision tonight and will bring the budget in couple of months.

7. ADJOURN TO CLOSED SESSION

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

None to report

ADJOURNMENT @ 7:15 PM

Alma Benavides, City Clerk