

CITY OF BRAWLEY
May 3, 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 6:00 PM

The invocation was offered by *Mayor Campbell*

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

PRESENT: Campbell, Couchman, Kelley, Miranda, Nava

ABSENT: None

APPROVAL OF AGENDA

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

Item 5-e: Discussion and adoption of Resolution No. 2011-: Resolution of the City Council of the City of Brawley, California reassigning the position of Records Administrator as a City Employee reporting to the City Manager *was pulled from regular business and continued for the next meeting of May 16th.*

AYES: Campbell, Couchman, Kelley, Miranda, Nava

NAYES: None

ABSTAIN: None

ABSENT: None

1. **PUBLIC APPEARANCES/COMMENTS** There were none to report

2. **PROCLAMATIONS**

a. **VETERAN'S APPRECIATION MONTH MAY 2011.**

Richard Partridge received Veteran's Appreciation Month May 2011 proclamation certificate.

b. **PUBLIC WORKS WEEK MAY 15-21, 2011.**

Yazmin Arellano received Public Works week May 15-21, 2011 proclamation certificate.

3. DEPARTMENT REPORTS

Frank Contreras, Fire Chief introduction of a recent promotion from fire fighter to Lt. Eloy Martinez and a new hire from our call paid poll fire fighter James Cruz to the Fire Department. Also want to mention that ISO we maintained position at 4.

Karin Morgan, P&R Director 124 new names added to the Veteran’s Wall.

4. CONSENT AGENDA

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

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

- a. *Approval* of Accounts Payable Registers April 21, and April 22, 2011.
- b. *Authorize* agreement with Airport Engineering Consulting, Inc. for the preparation of plans, specifications, cost estimates, construction management and inspection services for the Brawley Municipal Airport Taxiway Rehabilitation, Specification No. 2011-10.
- c. *Reject* claims as recommended by Carl Warren & Company Insurance Management Claims Adjusters: Refugio Salgado and Issac Trujillo.

5. REGULAR BUSINESS

a. OVERVIEW AND DISCUSSION OF NEIGHBORHOOD TRAFFIC ON JULIA DRIVE, WILLARD AVENUE AND LEGION STREET.

CM Burroughs this is coming back to you because of the request of City Council and residents of the area, particularly Julia Drive/Willard Avenue to give you an overview of the traffic on the area. Some analysis of the traffic control, where devices are at, and comments about the new construction.

PWD Arellano presented a Power Point Presentation.

Carlton King resident of Julia Drive. Onto Julia Drive no stop signs on Orita. I am going back to a meeting that took place several years ago at the Lions Center. Residents were lead to believe that the road onto Hwy 86 be open when those condos were occupied. This has changed and none of my neighbors were notified that this has changed. So how did this happen?

CM Nava did anything change in fact? *Answer:* All the conditions that the original development was required to meet has been met. However, 21 units and the model homes do not generate

enough traffic. When you consider the facts that now we have plotted facility being repaired and intersection of Willard/Panno improved. (*CM Burroughs*)

CM Campbell concern is traffic or public safety issues. We need to look at that.

Mr. King stated that part of it is the speed control, some speed up to 60 mph.

CM Burroughs indicated it's not a problem with traffic control on Julia Drive. I have been there several times; it's a violation by law where people are speeding, if people follow the speed limit we wouldn't have issues and were going to look at additional enforcement.

CM Campbell that was a broken project and we'll not stop construction because of that. Looks like there's safety issue on Julia Drive with speeders. Like Mr. Burroughs mentioned we'll take a look and do the best that we can to meet a happy median for everybody.

Mr. King said there is minutes of that meeting. I would like to look at them.

CM Nava we'll review the minutes and provide a copy to you. One thing we can request to staff to do is to have police enforcement out there. We are actively working on getting Panno open. With a development we have limited options for the time and do the best that we can.

Mr. King if the conditions at that meeting say different then this document, what then?

CM Nava not sure what the condition would say but I know we are in the process of completing the project and road.

CA Morita I would say there will be a consideration as to the nature if there's going to be a change made. The level of review will require management to review conditions of approval.

Mayor Campbell there was several conditions to that project; Panno Road was one, wall on north side of the project with some type of shrubbery. We take consideration your concerns on safety issue on your street but working together and working with the developer to get Panno Road open and working hard on getting that done.

Mr. King I just want the conditions to be met.

Mayor Campbell this was a busted project. When Florentine came in and took over the project they offered to do several things. We are in a legal battle with the Bonding Co. and need to be careful. The developer is willing to do a lot of things and complete the project.

Mr. King I understand that but a little bit more communications with the folks next, the neighbors would have been nicer for the City to do. I am not against development but when it affects the community I live in, I would like the proper way to go.

Mayor Campbell as your elected official I felt bad the way that project was and in any neighborhood you don't want a busted project. Believe me if we would have left the project how

it was, it would have been shameful on our part. The developer is here tonight because they are also concerned and doing whatever they can do to make this right and welcome by the community. This will be the only gated community in the city. I think once it finished everybody is going to be proud. We need to pass these hurdles to get there. We are going to do everything we can to make sure we address the concerns to Julia Drive.

Mr. King said the speeding issue is one thing and I have been to this council before and got nowhere. There's going to be one or two out of that group that is going to continue to speed; and Mayor you were there and seen it. **Answer:** Yes, I witnessed it. (**Mayor Campbell**)

CM Nava we will direct staff to obviously observe that issue to make sure that it doesn't become a greater issue.

Mr. King the police has a lot of things to do and cannot be everywhere and understand that, but if there's some way to break that traffic flow up will be easy to do.

Mayor Campbell the traffic study that was performed the developer paid for that. The City of Brawley did not pay for that because the developer was concerned because that issue came up.

Mr. King the first study was unreasonable. The objections I had at the original meeting is people are not going to go to the lights still going to have out traffic going through street. I'm just trying to get what we were promised at that meeting. That's why we went ahead with the deal. We could have objected it but we left that meeting with getting those traffic lights up.

Mayor Campbell we're going to try to make sure these things happen. I appreciate you coming up and voicing your concerns and we all live here and want to make things right.

Mr. King I just don't want it to be another Luckey Ranch or La Paloma unfinished. Need to make rules and regulation for the next person that buys them.

CM Kelley glad you're an advocate for your community. Your neighborhood deserves to have a voice and all those concerns should be met. Your first visit where we were now brought up to speed on the large venue meeting. If assurance were made it's upon us to know what we already promised. We tried to move forward trying to make the best of what was available to us and we did not do it and in spite of a community that's adjacent to it. We did have that deliberation and we considered the impact. We wanted to get something moving and the end goal was to have that project move forward and have that road completed. With all the problems we have with the Bonding Company and with the new owners, they are working with us but so much we can't discussed with them. I do and I hope that you're going to be communicated with residents that are in that neighborhood or advised them. If that was a promise or part of one of Councils conditions that they made then that's something we should be able to hold them to. I hope our communication with you continues as this moves forward.

Mr. King that's why I ask for the minutes because when we left that meeting that night that was the outcome. Did it change later?

CM Kelley well hope we have an open dialogue from this point forward and that we stay in communication with you as changes occur or that progress that we can report out to you. Hopefully we will have something very soon.

CM Nava thank you for your comments and you are doing your part by bring these things to our attention, now it's our turn to follow up on them

CM Couchman certainly we need to communicate with our community as a whole and I think the reason why we did this and did it on a limited fashion. I don't know at that meeting whether the entire project needed to be done before Panno Road would open or something along those lines. I do know the decisions that were made here, were based on what we felt was the best for the overall community. We know there are issues with development and we do know it's a broken project and issues with that project and it has always been a concern for everybody. Just want to make sure everybody communicates and get the proper information, we are trying to make the best for the overall City and trying to impact you as little as possible. However, there's speeders all the time and maybe worse at Julia or other areas in the City. It's a matter of law enforcement and a matter of people obeying the law. It is a danger when anybody speeds on a City street but we cannot stop all progress and we have to move forward. I think from Yazmin presentation there's 3 stop sign in each of the 3 streets from stopping you from going out onto Julia , isn't there? No, (Yazmin). I'm aware there's no stop sign on Julia. They'll take care of that and mitigate that and law enforcement will be out there. I will take additional look at that and move forward with little disruption and impact on people as possible. Always with development will be some impacts.

CM Miranda as far as traffic is concerned it does happen everywhere. I live in a cul-de-sac and believe me I seen cars there that look like the car is going to tip over to make the curve. We cannot have Police Chief and staff in every place. I mention at last meeting that perhaps to put a temporary stop sign on the middle street before approach Julia Street.

CM Couchman today I was at the T-Ball game and some people from the Malan project came up to me and said people are speeding down the street and they ask if they can put a speed bump or do this or that to stop speeders. I don't know without dealing with Public Works what we can do or can't do. I know people speed all over the City and we have to enforce the law to stop them from speeding because it imposes a danger to residents and children. We'll try to solve the problem as best that we can and move forward.

CM Nava one thing we can do Mr. King is to direct staff to consider all options.

Mr. King just doesn't want something to happen, there's 2 years old that lives at the corner and that's my biggest fear.

b. DISCUSSION AND ACTION ON REQUEST BY ALLIED WASTE FOR FEE INCREASE DUE TO EXTRAORDINARY CIRCUMSTANCES.

Staff Report – Gary Burroughs, City Manager

CM Nava there is a statement that we received from Allied Waste, section 7.5 states Allied reserves right to request increases based on extraordinary circumstances notwithstanding the foregoing, Allied may submit request to the City Council for additional rate relief at any time extraordinary expenses are incurred beyond Allied’s reasonable control. City Council reserves the right to approve or disapprove such a request in its sole discretion. Basically, indicated that their increase is based on labor, fuel and disposal but fuel accounts for 61% of the reason. So that’s something to consider.

CM Couchman labor cost will certainly be under their control and gas they have no control.

CM Burroughs CPIU if you go into the State website it automatically includes right now a 12% increase in fuel as part of the projection. So therefore because it’s a seasonal and annual adjustment it does play catch up. Now it looks like the fuel prices are going to go back down at some point and if you raise the CPIU certainly we are not going to go back to reduce the rate.

CM Miranda I did research went and talked to several residents with different incomes and they didn’t have a problem paying .38 cents.

Mayor Campbell I think Allied Wasted has served this city well and this increase is minimal. I understand some issues that they are dealing with fuel and maintenance it’s very costly.

The council ***motioned*** to approve Allied Waste request. m/s/c Campbell/Miranda 2-3

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

Hector Araujo, Division Manager for Allied Waste attached to your packets are 5 items: 1) February 2, 2011 letter requesting rate increase; 2-3) March 19, 2011 letter justifying increase request and spreadsheet; and 4-5) copy of Brawley Waste Services Contract section 7.3 right to increase collection rates and section 7.5 reserves right to request increases based on extraordinary circumstances. Two years ago was the last rate increase as City Manager stated and a lot has happened in 2 years. The cost of doing business every day is expensive more and more every single day. We provide a tremendous service for this wonderful city. Our service is very valuable and we do a lot for the city. Passed out a flyer of one of the samples services Allied Waste provides; The Brawley Spring Community Clean-Up was held on April 30, 2011 at the Brawley Municipal Airport. In the end the result was a total of 72 tons of waste collected from the City of Brawley. To accomplish this, we utilized 10 trucks and 21 employees with a total of 165 man hours to facilitate and make the 2011 Spring Clean-Up a reality. Another example if you remember the incident on River Drive no one took the lead on it, I know it was brought to you and phone calls were being made and Allied Waste assisted on cleaning it up. For

same day service if called by 1:00 PM that same day we modify our passes; we also had to retrofit trucks after 2007. We are here to make the residents happy and motivated to help the community. All we ask to do is to please reconsider this.

Mayor Campbell thanked you Mr. Araujo.

CM Nava concurred with *Mayor Campbell* for helping out on the River Drive clean-up the residents appreciated it and I did as well.

Steve Vasquez resident mentioned here was here to defend Allied Waste; one of the things that the City of Brawley has that many other cities don't have is we get 4 passes to the landfill. You know every pass is \$40.00 that's \$160.00 and that's only if it's below a ton. I concur with Mr. Araujo in reference to the helping to the City of Brawley. I have a few properties in Brawley and its going to put me back probably a couple of dollars a month but it might not break me, so I think .38 cent is justifiable. The diesel trucks have to go through certification just about every month or so and it's very costly. I just believe that Allied Waste is doing the raise after 2 years.

CM Nava if the .38 cents would take effect when will it be first applied? **Answer:** we will give notice and it would take effect about 30 days (**Araujo**).

CA Morita as the City Manager points out and as in reading the language it's within your soul discretion and that's the language of the contract. This means you are the final say and issue can be made with whatever decision you make. Secondly, I can recall when this language was discussed and use of the phrase extraordinary circumstances wasn't an accident, it was intended to capture circumstance that the City will find to have been not reasonably anticipated.

CM Nava do you think what they presented meets that requirement, Dennis? **Answer:** I don't think so; I think the kind of expenses that are articulated here is the kind of expenses that you should anticipate to your business (**Dennis**).

Mayor Campbell no one likes increases, but let me say this Carp has a rule that came out that was dated back in 2007 for any diesel vehicles larger than 1,400 GVW and was built before 2007. What did it cost the City to retrofit that water truck for the ignition under the Carp rule, Yazmin? **Answer:** \$10,000 (**Yazmin**).

Mr. Araujo that is correct, I didn't bring that up but we did retrofit several of our trucks to fit those omission standards.

CM Miranda so what I'm hearing is that if we don't approve, then are we going to tell our community and residents we are no longer going to have clean-up days, so you can go ahead and throw the trash, sofas, couches, etc. into empty lots behind alleys. Is that what we are looking to happen because that's what basically we will see happen. These folks have been very generous to have some days throughout the year to come help elderly unload their vehicles. Believe me I see Brawley looking so beautiful and this is my home town. I am not going to allow .38 cents not to pass and have a junk yard in my community.

CM Kelley I understand your comments CM Miranda and understand all the work Allied Waste has done for the City and happy for the service but this has not been a coordinated cooperation. There have been multiple jumps that have happened since we went from our services to a contract service. I was not sitting in the Council when this contract was approved in the summer of 2007. You were supposed to hire 6 City employees and none of them were hired; the mail dump vouchers the first year was a very good program and the next year was changed without talking to us. Then we got older people that were being told they had to go to the office to pick up vouchers, so they can go to the dump to dump their trash. That didn't help our residents very much. Than it was changed again the next year. Changing the service of days recently, that just had the pass month. There was no coordination and without notifying us first. A .38 cent increase, that much more being tacked onto our UUT. I don't think it meets the criteria of extraordinary event. I do want to work better with Allied Waste and would like better coordination. There's good things Allied has done but still some issues.

Mr. Araujo in response to that I remember during negotiation: we acquire all of your equipment and those employees were supposed to transfer over as part of the agreement but those employees decided to stay with the City and we had no say on that. The landfill passes is something new and lacking on but we've been working on modifying it and improving. We did sent them out to everybody and what happened some lost them or throw them away; working with Yazmin; we put it on the website; and available at our office at the landfill. We did that 2 years ago and it has worked out pretty good so far. In respect to the date change that was unexpected; it usually happens every 4-5 years and because of these extraordinary circumstances we're trying to cut cost, that was one reason and the other is the new customer service we implemented in March. If you miss the truck and call before one o'clock you'll get same day service; if you call the next day then we have to service within the 24 hours or if it's closed to the weekend than Monday truck will be there on Monday. I hate to do date changes because it was a lot of houses but it worked better for the City. We're happy and motivated to help; if this doesn't go through we're not going to turn our backs to you.

Art Reyes indicated that Allied Waste is asking for .38 cents for the whole public. Remembered City employees were refused merits. Now you want to give .38 cents, I think that's a lot more money then what merits total to.

PC Gillmore I'm not sure when the same day services, next day service started because we called mid morning for service and they weren't going to be here till 6 days later but I already took care of it. So, I don't know about the same day services how that's working out but that's just for your information.

CM Miranda I think Mr. Araujo was talking about same day service on trash cans.

The council *motioned* to approve Allied Waste request of .38 cents. m/s/c Campbell/Miranda 2-3.

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

CM Nava just a comment; I don't like to see any increases; base on what the City Attorney said regarding to the extraordinary circumstance and couldn't vote in favor but think that Allied Waste does a very good job.

c. DISCUSS AND APPROVE CONTACT AGREEMENT FOR PUBLIC SAFETY DISPATCHING SERVICES.

PC Gillmore the City Manager and I have met with cities of Calipatria and Westmorland to discuss the proposed 3 year contract for public safety dispatching services. They understand and are in a tough position as any other cities; the City Manager did present them with a couple of options; at this point they are accepting the fact that it will be a 3 year contract and they understand what the end dollar amount needs to be. Requesting to the City Council to authorize the City Manager to negotiate with the both Cities to actually finalize that contract; it won't go into effect until July 1st.

Mayor Campbell this is going to be phased in over the 3-year, right? *Answer:* that was the initial discussion but that's not in writing yet; the City Manger and I are still in communication with them and they took this information back to their council's and we have not heard back. (*Chief Gillmore*)

CM Burroughs we met with representative from both cities' staff and elected officials; in both cases obviously, and as much as practical they did not want to go to the full amount. Presently each pays \$20,000. Since the contract of 2004 the City of Brawley has subsidized services to both communities. Based on previous Council comments of trying to work with our neighbors, I offered to phase in, so at the end of two years will start negotiating even though we'll have another year left for next 3 years so it wouldn't be much of a surprise. They said they were going back to their Council for recommending approval. As far as I know they haven't taken a vote yet. Therefore it comes down to if they don't take a vote to go along with this recommendation; 1) I guess how much leeway you give me in terms of settle it or would you like to be brought back to council if they don't agree with these particular numbers or would council like to go ahead and go forth and say the maximum amount starting immediately, which I don't believe that is your direction. So really it's for Chief Gillmore and me at your direction. I'm more than willing to sit down and meet your final conclusion. I believe they'll accept this particular arrangement.

CM Kelley asked PC we did discuss about the consolidation of dispatching services for Calipatria; they are currently using their fire dispatching with El Centro Police Department. Did that bare any fruit or are they going to continue to split dispatching between law and fire?

Answer: They want to continue to split; they had just renewed the contract not sure but believe it is with the County and not with El Centro Police Department. (*PC Gillmore*)

CM Couchman vitally important to us to provide this service to the north end; I would like to see us work together and continue negotiations; phase in leeway with some figures; look at alternates and not discard them.

CM Burroughs the offer to them was part to negotiate and had no issues with the analysis of the final amount. I would expect any guidance you give me would be that at the end of the third year were at the full amount; I think anything less than that, I will recommend against that. At least at the third year we're at the full amount which is calculated in this year numbers.

CM Couchman if neither city nor either one of them decides not to do this for any reasons or based upon the charges; how does that impact the City of Brawley? *Answer:* It does affect us with some of our operations and staff. (*CM Burroughs*)

CM Kelley I don't think we need to take any actions. Didn't we already give you direction to negotiate this and bring it back; since it hasn't been approved by the other councils. Is this for the schedules on dollar figures? *Answer:* I guess what I'm asking for if they come back with a counter offered close to these numbers do you want me to bring it back to council or do I consider that I have the authority to approved it so we can execute the contract. (*CM Burroughs*)

The council *motioned* to give the City Manger the authority to negotiate in our behalf following the schedule outlined on this recommendation from staff and executes the agreement. m/s/c Nava/Miranda 5-0.

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

d. APPROVE 1ST READING OF ORDINANCE NO. 2011- : ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA AMENDING THE MUNICIPAL CODE RELATING TO PARKING BY MOBILE VENDORS.

PC Gillmore at your direction the City Attorney and I worked together, looked at the ordinance, and came up with recommendations to amend this ordinance in two ways; 1) the time a mobile vendor may park in any one place is increased from 10 minutes to 45 minutes; 2) the number of mobile vendors authorized to park for up to 45 minutes in any one block is limited to one. Realistically that will allow 4 vendors to park in any City park in each block; so they won't be lined up in the same street and taking all the public parking. No other part of the ordinance was changed.

Art Reyes when will that take into effect one vehicle per block how much time does the vendor get before they get a ticket or citation? *Answer:* The time limit has been increase to 45 minutes. (*Mayor Campbell*)

PC Gillmore stated that if the mobile is remaining mobile that doesn't apply. This only applies to a vendor that chooses to park along a City street in public areas to vend his wares. They can do that up to 45 minutes; after 45 minutes they need to move and one per block parked.

CM Miranda in an event of fundraiser like a tournament, mobile vendor coming from out of town has license and permits; parked in a public street and have permission to close the street. Will that waive that individual that right or has to be park 45 minutes and then has to go? *Answer:* private event or fundraiser, on property and approved streets closure, then that is fine. (*PC Gillmore*)

The council *motioned* to approve 1st Reading of Ordinance No. 2011- : Ordinance of the City Council of the City of Brawley, California amending the Municipal Code relating to Parking by Mobile Vendors. m/s/c Nava/Miranda 5-0

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

CM Miranda dismissed himself @ 7:30 PM

e. PRESENTATION, DISCUSSION AND ADOPTION OF CITY MANAGER'S FY 2012 RECOMMENDED BUDGET.

CM Burroughs recommended budget is put on the agenda for discussion and adoption; the intent is to continue to have it on the agenda until you adopt it. In addition and to refresh your memories, you do have the ability to go back at any time and make revisions. As per my memorandum to you, I recommend that in December we do have a budget review to talk about the changes and see how sales tax is coming in; what happened to the CRA and Ballot Measures to see if we need to do any changes to the second half of FY 2012/2013 budget. I mention in the memo I have several concerns in the water/wastewater funds; short falls on construction and equipment; Fire Funds.

CM Nava I believe there are people in the audience representing the ICFC and IVEDC with concerns regarding their fund.

Susie Carrillo, ICFC President City of Brawley has been one of our major contributors probably for the past 10 years. The reason for that is because there's a lot of the revenues that comes in to the City of Brawley and outlying areas of Calipatria, Niland, Westmorland and so forth. One of our tasks and major missions of the film commission are to promote Imperial County. Because of the fact that we have the Sand Dunes and Salton Sea those are major productions areas that everyone looks for and Charla Teeters main focus is to market this area. Other contributors are Imperial County and City of El Centro. The \$10,000 that the City of Brawley contributes is a major effort promoting here. There were 38 productions, 22 were based in Brawley which most were at the Sand Dunes areas. We hope that you consider our request for \$10,000.

Tom Dubose wanted to thank the City Council for your contributions and participations. Please consider the amount of money that it takes to help your bottom line bring new business and revenues to your community. Currently, IVDC has over 30 projects at different stages of development; many of those projects are in or around the City of Brawley and will have financial benefits to Brawley.

Harry/Digna Madera from Aspen in the Desert is advocating for the Film Commission and how much they do for us; filming or doing commercials it brings a lot of business to us and for Brawley.

Ron Hull Executive Director of the Brawley Chamber of Commerce brings vision to Chamber a little different than what you had experienced in the past. Focus more on business activities. The Film commission and IVEDC are both organizations that I help found when I was with the IID, so I want to continue the vision; marketing renewable energy and agricultural, work hard with City; I ask that you consider the continuation of contributions.

Ms. Carrillo invitation to our First Annual Film Festival will be held at the mall.

CM Burroughs need direction to continue to May 10th meeting for further discussion; if that is your intent will you continue to provide us with any questions that you might have, so we can respond.

CM Kelley I will propose that we rather have a workshop; to discuss prison crew, capital improvements projects and other budget items.

Mr. Burroughs that will be the intent for next Tuesday meeting May the 10th; it has to be an agenized special meeting open to the public and doesn't have to be titled workshop because it's the budget, discussion and adoption.

CM Couchman just put budget item on the agenda and no other items.

Mayor Campbell next meeting will be May 10, 2011 at 6:00 PM.

f. DISCUSSION OF FT 2011 BALLOT MEASURES.

CM Burroughs with the support of the Brawley Chamber of Commerce we had Utility Tax Presentation. It clarifies other points that we need to revise the Power Point Presentation making it more beneficial to the public. Changes should be done by the end of the week, for the May 9th meeting. Also drafted a resolution for Business License and fee sheet.

CM Nava regarding the business license, I know right now it has to go before the public for vote to change, will that proposed Measure there will that eliminate the need to go back to the public?
Answer: I understand that if they take that vote somehow in the ballot measure says it doesn't have to come back to the public for election. (**CM Burroughs**)

CM Nava is that what we are considering? *Answer:* I will have to refer to the City Attorney; I don't know if we could or can't include that. (*CM Burroughs*)

CM Nava currently we have to approach the public to vote on that; to change the business license fees? *Answer:* That's true. (*CA Morita*)

CM Nava is we proposing that that item be removed from voting public in the future or is it just purposing for the fee change in the time being? *Answer:* I don't believe that it would be within the preview of a vote to say we will not have to vote to change in the future, it will be like the utility tax and prop 218 requires that. I will also say that and I used the language in the resolution it will be more accurate to call it business license tax because fee has to be for a specific purposes; for example you can enact a regulatory fee but then that fee can't exceed the cost of operating that regulatory program and a tax is a tax. In our case it's a revenue generating measure, so technically under the law I think it would be a tax and that's why it has to be on the ballot. (*CA Morita*)

CM Nava do other cities name it a tax? *Answer:* Most jurisdictions that I looked at to the extent they have that fee for revenue generating purposes. The reason they do that is so that it will stand the challenge that whatever it is doesn't bear a relationship to the cost of providing the regulatory program. (*CA Morita*)

Mayor Campbell suggested moving the meeting of May 17th to Monday, May 16, 2011 since himself and the City Manager will be traveling to Sacramento to Legislative Days.

6. COUNCIL MEMBER REPORTS

- a. *CM Couchman* apologized for not being at last meeting had to attend some personal issues.
- b. *CM Kelley* stated when he heard of Bin Laden being killed all over the news and thought there might be some happening or gathering at the Veterans Wall, so I drove down waited 5 minutes and no one showed up.
- c. *CM Nava* said the kickoff of the UUT here and learned a few things there; working with and not fully develop a calculation to present to the public when doing UUT presentations.
- d. *Mayor Campbell* just wanted to report that I went by the memorial service for Anthony Garcia this evening before I came to the meeting. Again, I ask that we extend our prayers to Rusty, Lupe and family.

7. CITY MANAGER REPORT

There was none to report

8. ADJOURNED TO CLOSED SESSION

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

None to report

ADJOURNMENT @ 8:00 PM

Alma Benavides