

CITY OF BRAWLEY
May 7, 2013

The City Council of the City of Brawley, California met in regular session @ 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 Couchman** @ 6:00 PM

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

The invocation was offered by **CM Campbell**

The pledge of allegiance was led by **CM Miranda**

APPROVAL OF AGENDA

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

Add to regular business:

5(a)(2) Resolution No. 2013-24: Resolution of the City Council of the City of Brawley, California, Approving the 2013 Non-Motorized Transportation Plan.

Adjournment: The City Council will adjourn to Thursday, May 9, 2013 5:30 PM, ~~Del Rio Branch Library, 1501 I Street,~~ Brawley City Council Chambers, 383 Main Street, Brawley, California

SPECIAL RECOGNITION

The City Council presented Janet Smith, Deputy City Clerk, with a plant, and thanked her assisting during the City Clerk's leave of absence.

PUBLIC APPEARANCES

Eddie Camillo: Requested a copy of Police Arrest Report 2194 dated April 24, 2013.

The City Manager explained to Council that the investigation should take its course and that there will be follow up with the complainant.

Ryan Kelley: County Supervisor for District No. 4 reported on Board of Supervisors considerations and actions. (Imperial Irrigation District QSA; Imperial County Health Commission; Brawley "Toxic City). He advised the Council of a hazardous condition at

the entrance of Chabela's on Highway 86, and requested the Council to consider improvements to alley access.

Pablo Cortez, Brawley Boxing Program: Advised that the application is in process to use the Cattle Call Arena for the 3rd Annual Battle of the Badges Boxing Tournament, June 8, 2013. They will be requesting to sell beer at the event.

The City Manager advised that Mr. Cortez agreed to meet with staff to review potential alternative sites. At the request of the Cattle Call Rodeo Committee, the city is in the process of developing a policy and fee structure for restoration of the Cattle Call arena floor when used for non-equestrian purposes. She encouraged more advance planning by the applicants, and suggests consideration of other possible venues.

PRESENTATIONS

- a. The Mayor proclaimed May 19-25, 2013 as Public Works Week in the City of Brawley. m/s/c Wharton/Miranda 5-0
- b. The Mayor proclaimed the month of May as Better Hearing & Speech Month in the City of Brawley. m/s/c Wharton/Miranda 5-0

CONSENT AGENDA

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

- a. **Approved Minutes** for the April 10, 2013, April 15, 2013, and April 16, 2013 meetings.
- b. **Approved Accounts Payable Registers** for April 11, 2013, April 18, 2013, April 19, 2013 and April 25, 2013.
- c. **Resolution No. 2013-19**: Resolution of the City Council of the City of Brawley, California Approving the Application for Bicycle and/or Pedestrian Funds Under the Transportation Development Act & Approving the Adoption of Its Bicycle and/or Pedestrian Plan, was **approved, passed and adopted**.
- d. **Resolution No. 2013- 20**: Resolution of the City Council of the City of Brawley, Approving the Article 8c Application for Dial-a-Ride Transit Purposes Under the Transportation Development Act (SB325) PUC 99400, was **approved, passed and adopted**.
- e. **Resolution No. 2013-21**: Resolution of the City Council of the City of Brawley, California, Approving the Article 8e Application for Brawley Bus Transfer Terminal Purposes Under the Transportation Development Act (SB325) PUC 99400, was **approved, passed and adopted**.

- f. **Resolution No. 2013-22:** Resolution of the City Council of the City of Brawley, California, Approving the Article 8e Application for Bus Benches/Shelters Purposes Under the Transportation Development Act (SB325) PUC 99400, was ***approved, passed and adopted.***
- g. **Resolution No. 2013-23:** Resolution of the City Council of the City of Brawley, California, Amending the FY 2012-2013 General Fund Budget in the Amount of \$15,427 From City Manager's Department to Fire Department for Purchase of Uniforms & Minor Equipment, was ***approved, passed and adopted.***

REGULAR BUSINESS

- a. **PUBLIC HEARING:** Due notice having been given, this is the time and place to conduct a public hearing to consider recommendations and approval of the City of Brawley Non-Motorized Transportation Plan.

Staff Report: Gordon Gaste, Planning Director
Rory Rentro, Planning Design

Open Public Hearing @ 6:50 PM.

Linda Moiola with regards to sidewalks, how will that effect residential properties, i.e. reduce front yard set-backs, removal of trees?

Plans for sidewalks will be more for new residential development. If in existing areas, there will be dialogue with property owners.

The City Manager that assessments are in progress for ADA accessibility on Route 86. We will work cooperatively with property owners.

Closed Public Hearing @ 6:55 PM

Resolution No. 2013-24: Resolution of the City Council of the City of Brawley, California, Approving the 2013 Non-Motorized Transportation Plan, was ***approved, passed and adopted.*** m/s/c Miranda/Wharton

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

- b. **Resolution No. 2013-25:** Resolution of the City Council of the City of Brawley, California, Amending Resolution No. 2013-14 Declaring an Emergency Ratifying Action Taken by the City Manager & Approving Work Performed by Valley Petroleum Equipment, Inc. in the Amount of \$211,819 for Emergency Tanks &

Soil Removal at the Brawley Transit Transfer Station Site, was **approved, passed and adopted.** m/s/c Nava/Miranda

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

- c. **Awarded bid for Police Department Furniture Purchase** to Office Supply Company, Inc. in the amount of \$47,591.39 m/s/c Campbell/Miranda 5-0
- d. **Awarded bid** to D. Webb, Inc. for Project No. 2013-08: **Fire Station No. 2 Concrete Masonry Unit (CMU), Hose Ramps & Monument Sign** in the amount of \$89,863.00. m/s/c Nava/Wharton 5-0
- e. **Discussion/Action** re: Comment to Draft Environmental Impact Statement (EIS) & Draft General Conformity Determination for the West Coast Homebasing of the Navy F-35C Joint Strike Fighter.

Approved Mayor's letter to the U.S. Navy EIS Project Manager regarding West Coast Homebasing of the Navy F-35C Joint Strike Fighter. m/s/c Nava/Miranda 5-0

- f. **Discussion & Potential Action** re: Proposed Amendment to Panno Drive Reimbursement Agreement Dated November 30, 2012.

Staff Report: Rosanna Bayon Moore, City Manager

Proposed Amendment of Reimbursement Agreement 5. Phase 2 Improvements

.....Notwithstanding the first sentence of this Section 5, and in addition thereto, in the event that the contractor who is issued the Notice to Proceed by the City in respect of the Caltrans Improvements is the same contractor that the Developers, or either of them, will be using for the Phase 2 Improvements, then Developers may commence construction of the Phase 2 Improvements on the same date that such contractor commences construction of the Caltrans Improvements regardless of whether such commencement date is later than sixty (60) days after the City has issued the Notice to Proceed in respect of the Caltrans Improvements to such contractor. Developers, or any one of the, shall deposit security for completion of the Phase 2 Improvements in the sum of \$686,494 in the form of a performance and payment bond or such other form of security approved by the City (the "Security") in advance of the commencement of the Caltrans Improvements.

The **Council authorized the City Manager to move forward** with the amendment to the Panno Drive Reimbursement Agreement. m/s/c Campbell/Miranda 5-0

DEPARTMENTAL REPORTS

- a. Monthly Staffing report, May 2013 – Shirley Bonillas, Personnel & O Risk Management Administrator.

Council consensus to increase the Fire Reserve to ten (10).

- b. Mark Gillmore, Police Chief, gave an update on the Police Department renovations. EOC set up temporarily; six (6) week timeline for project completion remaining. The City of Imperial has loaned us their Mobile Command Center.

INFORMATIONAL

- a. California Transportation Foundation Nomination for Brawley Bypass Project as Finalist. Presentation at a luncheon in Sacramento on May 25, 2013.
- b. American Society of Civil Engineers Announcement regarding the City of Brawley's Wastewater Treatment Plant Improvements to Receive the "Award of Excellence" Presentation May 18, 2013, 5:30 PM – 12:00 PM at San Diego Zoo.

CITY COUNCIL REPORTS

Wharton: Attended Ribbon Cutting at PMH Heart & Vascular Health Treatment Center; Hosted Brawley Pop Warner Fundraiser; Rotary Spring Social; Mothers Against Gangs (MAG) Coalition opening ceremony; Taking Back Main Street a tremendous event and celebration.

Nava: Taking Back Main Street a Labor of Love, thank you to staff for apprehending arson suspects, Hamburger cook-off a success, Facebook is a useful tool to give updates on the Brawley Theatre project and to incorporate city functions. Attended Imperial County Transit Commission, discussed Brawley Bypass improvements.

Charla Teeters, Film Commission, announces May 10, 2013 Wine Tasting, 6:00 PM, \$20.00 per person.

Campbell: Thank you Council Member Wharton and Nava for successful Taking Back Main Street event; Participated in Cinco de Mayo Parade; Southern California Association of Governments General Assembly in Palm Desert; Thank you everyone for helping to bring City back in order.

Miranda: Attended Cesar Chaves 8th Annual Celebration; Taking Back Main Street; National Domestic Violence Victims Week; Imperial County Fallen Officers; Ground Breaking Desert Shores Clinica de Pueblo Clinica; Chandi Ribbon Cutting and Cinco de Mayo activities.

Couchman: Attended Cesar Chavez Celebration; Mothers Against Gangs (MAG) event; Dancing with the Stars; Chandy Grand opening; Taking Back Main Street event; Chamber of Commerce Board meeting; Veterans Appreciation Luncheon, Brawley Pop Warner Fundraiser; Hidalgo Cinco de Mayo; Book Sale Run/Walk; Thank you City employees for efforts in all events. My son is back from Afghanistan.

TREASURER'S REPORT

- a. Review City of Brawley Investment Policy and Consider Adoption of Resolution No. 2013- : Adopting the Investment Policy for the City of Brawley & Successor Agency to the Brawley Community Development Agency

Staff Report: Jim Hamilton, City Treasurer
Ruby Walla, Finance Director

Resolution No. 2013-26: Resolution of the City Council of the City of Brawley, California, Adopting the Investment Policy for the City of Brawley & Successor Agency to the Brawley Community Development Agency, was ***approved, passed and adopted*** m/s/c Wharton/Campbell

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

CITY MANAGER'S REPORT

- a. Cattle Call Park improvements near complete. Will be scheduling a ribbon cutting.
- b. Porter Ranch: Denney portion may no longer be interested in deferred annexation fees, only tax sharing agreement. Will schedule for future agenda.
- c. CalTrans Memorial event at Brawley Maintenance Yard, May 8, 2013, 8:30 AM
- d. Brawley Senior Center, 8th & J Streets Community Garden Ribbon Cutting.
- e. Re: Chabela's location on Highway 86 safety access issue. City recently notified of Highway Safety Improvement Program and this particular location is being considered as a potential project.
- f. Grant opportunity for Community Oriented Policing, Police Resource Community School Officer. Requires local match, and city assumes full responsibility after

three (3) years for 4th year of employment. Will assess school districts interest for joint Memorandum of Understanding (MOU)

CITY ATTORNEY'S REPORT None

ADJOURNED TO CLOSED SESSION 8:30 PM

PUBLIC SECURITY

- a. The Agency will recess to closed session to meet with Rosanna B. Moore, City Manager, on matters posing a threat to the security of public buildings (G.C. 54957).

PENDING LITIGATION

- b. Upon advice of its legal counsel, the Agency will recess to closed session pursuant to G.C. 54956(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the Agency is a party. The title of the litigation is: Administrative Civil Liability Complaint R7-2013-0028 City of Brawley Wastewater Treatment Plant.

PERSONNEL MATTERS

- c. The Agency will recess to closed session pursuant to G.C. 54957 to consider the appointment to the position of Fire Chief.
- d. The Agency will recess to closed session pursuant to G.C. 54957 to consider the appointment to the position of Director of Parks & Recreation

ANTICIPATED LITIGATION

- e. Conference with Legal Counsel; Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9; Two (2) Potential Cases

RECONVENED IN OPEN SESSION

- a. **The determination of eligibility to participate in the reward for arson will be made after the adjudication of currently pending cases.** The reward sum shall be held in reserve until that time. Any further eligibility to participate is terminated subject to further City Council action. m/s/c Campbell/Miranda 5-0
- b. The Brawley City Council **ratified the employment agreement** between the City of Brawley and **Richard Rubio** for the position **of Parks & Recreation Director**. m/s/c Wharton/Nava 5-0

- c. The Brawley City Council **ratified the employment agreement** between the City of Brawley and **Chuck Peraza** for the position of **Fire Chief**.
m/s/c Wharton/Nava 5-0

ADJOURNMENT Adjourned to Thursday, May 9, 2013, 5:30 PM, City Council Chambers, 383 Main Street, Brawley, California: Budget Workshop

Next Regular Meeting, *Tuesday, May 21, 2013 @ 6:00 PM*, City Council Chambers, 383 Main Street, Brawley, California. Supporting Documents are available for public review in the Office of the City Clerk, 383 Main Street, Brawley, California 92227 - Monday through Friday during Regular Business Hours; Individuals who require special accommodations are requested to give 48 hours prior notice. Contact: Office of the City Clerk @ 760-351-3080.

Janet P. Smith, Deputy City Clerk