

CITY OF BRAWLEY
June 18, 2013

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

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

The invocation was offered by **Pastor Tom Charlton, Full Gospel Church**

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

1. APPROVAL OF AGENDA

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

2. PUBLIC APPEARANCES

- a. Gustavo Reza regarding IID 2012 Request for Proposals-Local Entity Competitive Mitigation Program.

3. CONSENT AGENDA

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

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

- a. **Approved** Minutes for May 21, 2013 and June 4, 2013.
- b. **Approved** Accounts Payable Registers for May 31, 2013, and June 4, 2013.
- c. **Approved** Resolution No. 2013-31: Resolution of the City Council of the City of Brawley, California acting as the Legislative Body of Community Facilities District No. 2005-3 of the City of Brawley (**La Paloma**), authorizing the levy of Special Taxes within Community Facilities District No. 2005-3 for Fiscal Year 2013-2014.

- d. **Approved** Resolution No. 2013-32: Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2005-4 of the City of Brawley (***Latigo Ranch***), authorizing the levy of Special Taxes within Community Facilities District No. 2005-4 for Fiscal Year 2013-2014.
- e. **Approved** Resolution No. 2013-33: Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2007-1 of the City of Brawley (***Luckey Ranch***), authorizing the levy of Special Taxes within Community Facilities District No. 2007-1 for Fiscal Year 2013-2014.
- f. **Approved** Resolution No. 2013-34: Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2006-1 of the City of Brawley (***Malan Park***), authorizing the levy of Special Taxes within Community Facilities District No. 2006-1 for Fiscal Year 2013-2014.
- g. **Approved** Resolution No. 2013-35: Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2007-2 of the City of Brawley (***Springhouse***), authorizing the levy of Special Taxes within Community Facilities District No. 2007-2 for Fiscal Year 2013-2014.
- h. **Approved** Resolution No. 2013-36: Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2005-1 of the City of Brawley (***Victoria Park***), authorizing the levy of Special Taxes within Community Facilities District No. 2005-1 for Fiscal Year 2013-2014.
- i. **Reject** Claim as recommended by Carl Warren & Company: Shawn Davis vs. City of Brawley.
- j. **Adopted** Resolution No. 2013-37: Amending the FY 2012-2013 General Fund Budget in the amount of a \$4,896 increase to the Information Technology Budget to reflect expenditures incurred as a result of downtown related video surveillance improvements.

4. REGULAR BUSINESS

- a. **Adopt** 2nd Reading of Ordinance No. 2013-03: Ordinance of the City Council of the City of Brawley, California, Repealing and Reenacting Article II of Chapter 22 of the Brawley Municipal Code Relating to Wastewater Treatment.

Staff Report – Rosanna Bayon Moore and Dave Bachtel of Lee & Ro

Public Comments:

Parthenia B. Evans of Stinson Morrison Hecker LLP, informed the City Council that a comment letter dated June 4, 2013 was submitted to the City regarding comments of National Beef California, LP were reviewed regarding the Proposed Sewer Use Ordinance for Users of the Publicly Owned Treatment Works.

Lloyd Miller Brawley resident, inquired about the State of California's leniency regarding Wastewater topics.

The **council adopted** 2nd Reading of Ordinance No. 2013-03: Ordinance of the City Council of the City of Brawley, California, Repealing and Reenacting Article II of Chapter 22 of the Brawley Municipal Code Relating to Wastewater Treatment. m/s/c Nava/Campbell 5-0

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

- b. **Awarded** bid to Aggregate Products Inc., for Project No. 2013-07 Eastern Avenue Rehabilitation Project in the amount of \$899,250. m/s/c Campbell/Wharton 5-0
- c. **Approved** Resolution No. 2013-38: Resolution of the City Council of the City of Brawley, California approving the Boundaries of the Targeted Employment Area (TEA) and Submission of Application of the Imperial Valley Enterprise Zone. m/s/c Nava/Miranda 5-0
- d. **Approved** Resolution No. 2013-39: Resolution of the City Council of the City of Brawley, California approving the Expansion of the Imperial Valley Enterprise Zone Boundaries. m/s/c Campbell/Miranda 5-0
- e. **Approved** Agreement with the City of El Centro to maintain Traffic Control Signal Systems. m/s/c Campbell/Nava 5-0
- f. **Approved** Agreement with Kimley-Horn & Associates, Inc. in the amount of \$336,690 for the Preparation of Bid Documents and bidding Construction Support Services for the Alyce Gereaux Renovation Project. m/s/c Wharton/Miranda 5-0
- g. **Authorized** Agreement with Psomas in the amount of \$50,000 for the preparation of the City of Brawley ADA Transition Plan Phase I. m/s/c Nava/Wharton 5-0

- h. **Awarded** bid to Hazard Construction for Project No. 2013-12 Asphalt Rehabilitation of River Drive in the amount of \$164,850. m/s/c Nava/Miranda 5-0
- i. **Awarded** bid to Marco Equipment Company for Project No. 2013-13 Purchase of New Compressed Natural Gas (CNG) Street Sweeper in the amount \$301,455. m/s/c Wharton/Miranda 5-0
- j. **Awarded** bid to George-Mitchell Builders in the amount of \$86,910 for Project No. 2013-10 Police Department Replacement Generator. m/s/c Nava/Wharton 5-0
- k. **Authorized** Change Order No. 1 to Contract No. 2012-01 Transit Transfer Station in the amount not to exceed \$23,638. m/s/c Nava/Miranda 5-0
- l. **Declined** participation in Memorandum of Understanding with Imperial County Air Pollution Control District for Improvements in the amount of \$60,000, for South 5th Street. m/s/c Nava/Wharton 5-0

5. DEPARTMENTAL REPORTS

- a. **Richard Rubio, Parks & Recreation Director** announced that the Parks & Recreation will not host the 4th of July Celebration at Gonzalez Park this year. Attendance has severally declined in recent years. Funds can be used for summer programs, staffing and supplies.
- b. **Ruben Mireles, Operations Division Manger** announced the Wastewater Treatment Plant recently received the Class A Fertilizer Certification.

6. INFORMATIONAL REPORTS

- a. Record of Building Permits for May 2013 –Francisco Soto, Building Official

7. CITY COUNCIL REPORTS

Wharton: Attended the BUHS Commencement, Branding Iron Award Dinner, Ooh La La Dance Recital and Reach Open House. Thanked staff.

Nava: Attended the Branding Iron Award Dinner, hopes to see Business Advisory Committee take off. Thanked staff.

Campbell: Attended the Branding Iron Award Dinner. Recently flown new airline from Imperial Airport to Burbank Airport for a SCAG Meeting. The trip was fast and convenient. Thanked staff for their hard work.

Miranda: Apologized for missing the May 21st and June 4th City Council Meetings, attended RECON Business Showcase in Las Vegas. Met with Legaspi Corporation representative at conference. Attended annual Memorial Day with the American Legion, Branding Iron Award Dinner, BUHS Recognition of volunteers, and Battle of the Badges. Recognized Graffiti program which has done a great job.

Couchman: Attended Branding Iron Award Dinner, fundraising event for Brawley Theater at the Stockmen's Club and Battle of the Badges. Met with Bikes for Friendship who raises funds for disabled children.

8. CITY MANAGER'S REPORT

- a. Met with Mr. Reza regarding IID 2012 RFP. Directed staff to attend the workshop.
- b. Improvements to "A" Street will be performed in stages. City of Brawley has swapped with the City of Westmorland to initiate first stage of project faster than originally anticipated. This will allow Westmorland to better prepare for their project. Public Works staff are re-shuffling priorities to complete the necessary funding milestone before the end of fiscal year 2012/2013.
- c. City staff has met with Dial-A-Ride Service representatives Amendment No. 8 to the contract has raised some key questions regarding the host agency and the operator entity.
- d. City staff met with BUHS Superintendent and staff to discuss a shared calendar for users of Weist Field. Over use of the field is a concern. Working on rotation of park facilities for users, hope to have a formalize agreement.

9. TREASURER'S REPORT None

10. CITY ATTORNEY'S REPORT None

11. CITY CLERK None

12. ADJOURNED TO CLOSED SESSION @ 7:48 PM

ANTICIPATED LITIGATION

- a. Conference with Legal Counsel- Initiation of Litigation pursuant to paragraph (4) of subdivision (d) Government Code §54956.9; there are (2) Potential Cases.

EXISTING LITIGATION

- a. Conference with Legal Counsel – Existing Litigation (1) of subdivision (d) of Section 54956.9.
 1. John Canaris vs. City of Brawley/CJPIA
 2. Administrative Civil Liability Complaint R7-2013-0028 City of Brawley Wastewater Treatment Plant.

ADJOURNMENT Next Regular Meeting, ***Tuesday, July 2, 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.

Lorena Savala, Deputy City Clerk