

**CITY OF BRAWLEY**  
**July 7, 2015**

The City Council of the City of Brawley, California met in regular session at 6:02 PM, Council Chambers, 383 Main, 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 Nava @ 6:02 PM**

**PRESENT:** Campbell, Couchman, Nava, Noriega, Wharton  
**ABSENT:** None

The invocation was offered by **Pastor Richard Rodriguez, House of Bread Ministries.**

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

**1. APPROVAL OF AGENDA**

The agenda was **approved** as submitted. m/s/c Noriega/Couchman 5-0

**2. PUBLIC APPEARANCES**

- a. **Jason Zara, Brawley Chamber of Commerce Executive Director** invited everyone to Quick Lane Ribbon Cutting on July 15, 2015 at 2pm and to the Wound Clinic of Pioneers Memorial Hospital Center for Liver Center and Digestive Disease Re-Opening on July 15, 2015 at 5:30pm.
- b. **Eric Brandt, President of One World Beef** addressed Council on the opening and operation of the beef plant. He mentioned that in order to succeed he is going to need support from different agencies including the City of Brawley. Just wanted to let you know we are in the final stages and would like for you to consider us so we can bring jobs back to Brawley and create tax revenue for the Imperial Valley.  
  
**Pastor Mike Necuik and Bill Gallegos** asked about the smell from the beef plant.  
  
**Thomas Perez** congratulated Mr. Brandt on the trying to re-open the Beef Plant but please consider everyone around the area with smell.
- c. **Ryan Kelley, Chairman for Imperial County Board of Supervisors** thanked the City of Brawley for attending this morning's meeting where the City of Brawley was presented with a check for work done at Volunteer Park, passed budget, one of the items included in there is an increase to the of Brawley Fire Contract and would like to inform you that on the Governor's Budget there is a position for a Salton Sea SRA and two are the people are from the valley.
- d. **Mike Crankshaw, Brawley Police Chief** introduced newly hired City of Brawley Police Officer Ryan Johns.

**3. CONSENT AGENDA** Items are approved by one motion. Council Members or members of the public may request consent items be considered separately at a time determined by the Mayor.

The consent agenda was **approved** as approved. m/s/c Noriega/Wharton 5-0

**AYES:** Campbell, Couchman, Nava, Noriega, Wharton  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

- a. **Approved** Accounts Payable: May 28, 2015  
May 29, 2015  
June 4, 2015
- b. **Approved** Resolution No. 2015- 27: 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 2015-2016.
- c. **Approved** Resolution No. 2015-28: 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 2015-2016.
- d. **Approved** Resolution No. 2015-29: 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 2015-2016.
- e. **Approved** Resolution No. 2015-30: 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 2015-2016.
- f. **Approved** Resolution No. 2015-31: 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 2015-2016.
- g. **Approved** Resolution No. 2015-32: 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 2015-2016.
- h. **Approved** Resolution No. 2015-33: Resolution of the City Council of the City of Brawley, California, Requesting the Board of Supervisors of the County of Imperial to Consolidate a General Municipal Election to be Held on November 3, 2015, with the School Election to be Held on the date Pursuant to §10403 of the Elections Code.

- i. **Approved** Resolution No. 2015- 34: Resolution of the City Council of the City of Brawley, California, Giving and Calling Notice of the Holding Of a General Municipal Election to be held on Tuesday, November 3, 2015, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities.
- j. **Approved** Resolution No. 2015-35: Resolution of the City Council of the City of Brawley, California Adopting an Employer Paid Sick Leave Policy for Part-Time, Temporary and Seasonal Employees.
- k. **Ratify** Action Taken by the City Manager to Repair the Lions Center Pool Circulation Motor and Authorize Performance of Work by Knorr Systems, Inc. in the Amount of \$16,500.
- l. **Approved** Contract Change Order No. 1 for Contract 2015-12: Purchase and Installation of 4 Air Conditioner Units in the Amount of \$0 (time extension) to Becerril Air Solutions, Inc.

**4. CONTINUED PUBLIC HEARING – EXTENDED TO JULY 7, 2015**

- a. Appeal for a Zone Change (ZC14-01)/General Plan Amendment GPA14-01/Site Plan (SP14-02)/Conditional/Use Permit (CUP14-02)/Parcel Map (PM14-01) – River Palm Mobile Home and RV Park/Mini-Storage/Convenience Market.

**Staff Report** – Gordon Gaste, Planning Director presented a Power Point Presentation\*

\*PowerPoint slides are on file and available upon request at the Office of the City Clerk.

The first submittal of the river Palm Mobile Home and RV Park/Mini-Storage/Convenience Market project was denied by the Planning Commission on November 14, 2014. The applicant subsequently submitted a revised plan to the Planning Commission which was heard on heard on February 4, 2015 and denied. On April 1, 2015, a third application was heard by the Planning Commission. Following the Planning Commissions' third denial, the applicant submitted an application for appeal to the City Council.

**Richard Cabanilla, Imperial County Planning & Development Services**, provided a summary of the County of Imperial's oversight responsibilities for Mobile Home Parks.

**Gordon Gaste, Planning Director**, reported that at the 5 May 2015 public meeting, City staff and the applicant made presentations to the City Council. The duly noticed public hearing was opened. Given the presence of outstanding issues, the City Council continued the public hearing to a future date and directed staff to further research and evaluate areas of concern.

Minimum requirements contained in the City of Brawley's existing Municipal Code have been met by the applicant. Because the project involves a Zone Change, General Plan Amendment, Site Plan, Conditional Use Permit and Parcel Map, the City Council may exercise discretionary authority.

Mr. Gaste identified four topic areas of discretionary authority for the City Council's consideration:

1. Parking
2. Landscaping
3. Phasing
4. Site Management and Regulations

### **1. Parking**

For the Mobile Home Park portion of the project, it is recommended to increase the number of within space parking from 1 to 2 spaces per mobile home unit. For the RV Park portion of the project, it is recommended that the number of spaces for RV Park visitors be increased from zero to 1/6 RV units. It is also recommended that visitor parking spaces are evenly distributed throughout the park. A summary table of parking spaces that are on space vs. off space shall be incorporated into the site plan, distinguished by mobile home park, RV park and other.

### **2. Landscaping**

It is recommended that the proposed project adhere to the City of Brawley landscaping standards for multi-family and condominium projects. Twenty-five percent of the net site area shall be landscaped as open space/amenity space. Open space areas shall be clustered. It is recommended that a Landscaping Plan that is illustrative and visually oriented shall be presented prior to approval of the project (as opposed to at the building permit phase).

### **3. Phasing**

It is recommended that a Phasing Plan that is illustrative and visually oriented be presented prior to approval of the project (as opposed to at the building permit phase). The plan shall minimally incorporate water, sewer, street, stormwater, open space, landscaping and onsite amenities. The City Council may wish to incorporate requirements to reasonably ensure the completion of onsite improvements.

### **4. Site Management and Regulations**

It is recommended that a site management and regulatory vehicle be established with recorded Covenants, Conditions & Restrictions (CC&Rs) prior to approval of occupancy to minimally address:

- The prohibition of mobile homes constructed before a certain year and older than a set number of years.
- The maximum length of stay of RV tenants as a set number of consecutive days in the RV Park.
- Residence and responsibilities of the onsite manager.
- Ongoing obligations to maintain onsite infrastructure, open space and other amenities.

It was noted that the City Council may wish to incorporate annual reporting requirements that are linked to business license renewal. The annual report may include the age of mobile home units and the lengths of stay associated with RV tenants.

**Jay Goyal and David Ramirez, Applicants**, were in attendance, provided a project summary and stated their interest in a project that satisfies City requirements.

**Opened Public Hearing at 6:55pm**

The following individuals provided public comments:

**Rusty Garcia**, Brawley resident  
**Fernando Mata**, President of the Hidalgo Society  
**Jerry Gauna**, Brawley resident  
**Tony Gallegos**, ACC Member  
**Billy Gallegos**, Brawley resident  
**Pastor Mike Nezcui**, Brawley resident  
**Eric Reyes**, Brawley resident  
**Jason Zara**, Brawley Chamber of Commerce  
**Gracie Fernandez**, Brawley resident  
**Laura Duarte**, Brawley resident  
**Thomas Perez**, Brawley resident  
**Hugo Dominguez**, Brawley resident

A signed petition and signed letters from the Hidalgo Society and American Citizens Club were submitted to the City Council.

Concerns sited during the public hearing were:

- No community support for the project
- High traffic volume in the area
- Inadequate infrastructure
- Impact on neighboring properties
- Decrease in property value of homes in the area
- Increased crime
- No guarantee that the RV Park will become a mobile home park in the future
- Local resident preference for single family homes
- State of other mobile home parks in City
- Proximity to the PureGro site and potential health hazards
- Impact of crime and drugs with proposed neighborhood commercial use
- Denied by the Planning Commission three time for a reason
- Future burden on Brawley Police and Fire Departments
- Greater than minimum requirements are proper for public notification

**Closed Public Hearing @ 7:45pm**

**Rosanna Bayon Moore, City Manager**, stated that project information is available on the City website and hard copies can be obtained from the Office of the City Clerk.

The City Council **directed** staff to work with the Applicant on community concerns and return to the City Council for potential action at a future date to be determined. City staff will ensure that all community members present are advised of the future public hearing date.

**Break at 8:15pm**

**Reconvene at 8:25pm**

**5. REGULAR BUSINESS**

- a. Discussion and Staff Direction re: Potential Charter City Research

**Ramon Castro, Brawley resident**, commented regarding the effect of a charter city on prevailing wage rates and requested that the City Council consider the impacts to the local workforce.

**Rosanna Bayon Moore, City Manager**, reported that staff is in the process of collecting various documents from the League of Cities and sister agencies.

The City Council **directed** staff to research the benefits and drawbacks of charter cities and disseminate the information accordingly.

- b. Discussion and Potential Staff Direction re: Building Permit Conditions for the Brownie's Diner Outdoor Dining Project Located at 990 Main Street.

**Rosanna Bayon Moore, City Manager**, reported that this item was added at the request of City Council Member Don C. Campbell. The City has not yet issued a building permit for patio improvements. In connection with preparation of the application, several improvements have been discussed by staff with the applicant. City staff comments for the proposed project have caused the owners concern. These primarily include an existing driveway that fronts Main Street that conflicts with onsite parking and the removal of an existing driveway on South Cesar Chavez.

Brownie's Diner owner representatives, Gil Rebollar, Juanita Rebollar and Mary Brown, stated concerns with anticipated City improvements triggered by a relatively small scale patio project, grant funded by the IID's Local Entity. Following a review of the site layout, Brownie's Diner representatives agreed to remove the two parking spaces that are perpendicular to Main Street and are currently in conflict with the driveway.

The City Council **directed staff** to eliminate the draft condition for the northern driveway removal on South Cesar Chavez and, instead, monitor the driveway for a 2 year period. If safety issues arise, the City Council will reconsider driveway removal.

- c. Discussion and Potential Action to Approve Contract Change Order No. 1 with Pyramid Construction & Aggregates, Inc. for Contract 2015-13: Parking Lots Rehabilitation at Fire Station No. 1 and Senior Center in the amount of \$22,018.00.

The Council **approved** Change Order No. 1 with Pyramid Construction & Aggregates, Inc. for Contract 2015-13: Parking Lots Rehabilitation at Fire Station No. 1 and Senior Center in the amount of \$22,018.00. m/s/c Campbell/Nava 5-0

**6. DEPARTMENTAL REPORTS**

- a. Monthly Staffing Report, July, 2015 – Shirley Bonillas, Personnel & Risk Management Administrator

- b. Update re: City of Brawley Contracting of Dispatch Services for the Cities of Calipatria and Westmorland – Michael Crankshaw, Police Chief

**7. INFORMATIONAL REPORTS**

- a. Record of Building Permits May, 2015 – Francisco Soto, Building Official

**8. CITY COUNCIL MEMBER REPORTS**

**Noriega:** None to report

**Couchman:** No longer President of Rotary, Attended BUHS meeting with fellow elected officials and migrant education students. Attended the ceremonial check presentation this morning at the Board of Supervisors Meeting for the Volunteer Park Parking Lot Project.

**Campbell:** None to report.

**Wharton:** Reported on full attendance at the Brawley Airport Advisory Commission. Attended the ceremonial check presentation this morning at the Board of Supervisors Meeting for the Volunteer Park Parking Lot Project.

**Nava:** Attended LTA, ICTC and Film Commission meetings. Attended BUHS meeting with fellow elected officials and migrant education students. Attended a meeting at Hidalgo Elementary School. Thanked Chairman Ryan Kelley for the check presentation for Volunteer Park and Lloyd Miller for The Desert Review's coverage of the Bike Tour that passed through Brawley.

**9. CITY MANAGER'S REPORT** None to report

**10. TREASURER'S REPORT** None to report

**11. CITY ATTORNEY'S REPORT**

- a. Sale of 279 J Street occurred and property clean up has commenced.

**12. CITY CLERK'S REPORT**

- a. Nomination Period for City Council, City Treasurer and City Clerk opens Monday, July 13, 2015 for the upcoming General Municipal Election of November 3, 2015.

**13. CLOSED SESSION**

- a. Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation pursuant to Paragraph (d)(2) of Cal. Govt. Code Section §54956.9. (1) One Case – Based on Tort Claim which is available for Public Inspection.

- b. Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation pursuant to Paragraph (2) of subdivision (d) of California Government Code Section §54956.9 – Number of Cases – Unknown
- c. Conference with Real Property Negotiator (California Government Code Section §54956.8)

Conference with Real Property Negotiators  
Property: 138 South 8<sup>th</sup> Street – APN #049-031-004  
Agency Negotiator: Rosanna Bayon Moore, City Manager  
Negotiating party: Imperial Irrigation District  
Under negotiation: Price and Terms of Use

**ADJOURNMENT** @ 9:15 PM

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**Alma Benavides**, City Clerk