

CITY OF BRAWLEY
September 1, 2015

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

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

The invocation was offered by **Pastor Troy Doudy, Brawley Assembly of God**

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

1. APPROVAL OF AGENDA

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

2. PUBLIC APPEARANCES

- a. **Pablo Cortez, Joel Gonzalez and Salvador Santoyo** of the La Gente Car Club re: Brawley Youth Elk's Building
- b. **Jason Zara, Brawley Chamber of Commerce Executive Director**, re: Cattle Call Queen Contest on October 2nd at the Cattle Call Arena and Queen Coronation on October 3rd at The Palms.
- c. **Luis Olmedo, Comite Civico del Valle Executive Director**, re: July fire and relocation efforts. Provided overview of current initiatives.

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/Couchman 5-0

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

- a. **Approved** Accounts Payable: July 17, 2015
July 30, 2015
August 6, 2015
August 13, 2015
August 20, 2015
August 21, 2015

- b. **Approved** City Council Minutes: June 16, 2015
July 7, 2015
July 21, 2015
- c. **Rejected** Claim as recommended by Carl Warren & Company Claims Management Adjusters for Claimants: Michael Shelton.
- d. **Approved** Request for Travel Greater than 500 Miles for Marjo Mello, Library Director and Susan Manager, Assistant Library Director, to attend the Association of Rural and Small Libraries Conference in Little Rock, AK from September 29-October 4, 2015.
- e. **Approved** Request for Travel Greater than 500 Miles for Shirley Bonillas, Personnel and Risk Management Administrator, to attend the California Joint Powers Insurance Authority (CJPIA) Educational Forum in San Francisco, California from September 23, 2015 through September 25, 2015.
- f. **Approved** Resolution No. 2015-44: Resolution of the City Council of the City of Brawley, Urging the State to Provide New Sustainable Funding for State and Local Transportation Infrastructure
- g. **Approved** City of Brawley Request of Congressman Juan Vargas to support co-sponsorship of H.R. 2775 (The Remote Transaction Parity Act).
- h. **Approved** Equipment Lease and Purchase Agreement between the City of Brawley and Allied Waste Services for a 2015 CNG Street Sweeper.
- i. **Approved** Resolution No. 2015-45: Resolution of the City Council of the City of Brawley Authorizing Staff and Consultants to Prepare Necessary Documentation for the Issuance of Bonds to Refund Certain Outstanding California Statewide Communities Development Authority Water and Wastewater Revenue Bonds (Pooled Financing Program) Series 2004b and Approving Financing Team Members in Connection Therewith.
- j. **Approved** Resolution No. 2015-46: Resolution of the Successor Agency to Brawley Community Redevelopment Agency Authorizing Staff and Consultants to Prepare Necessary Documentation for the Issuance of Bonds to Refinance Outstanding Brawley Community Redevelopment Agency Brawley Redevelopment Project Area No. 1 2006 Tax Allocation Bonds; and Approving Financing Team Members in Connection Therewith.
- k. **Approved** Resolution No. 2015-47: Resolution of the City Council of Brawley, California Amending the Fiscal Year 2015/2016 City of Brawley Budget in the amount of \$60,528 to Comply with the Affordable Care Act.
- l. **Approved** Annual Purchase of Ultra Violet (UV) Lamps and Ballasts for the Wastewater Treatment Plant (WWTP) UV Disinfection System in the Amount of \$31,419.12 from DC Frost Associates, Inc.
- m. **Approved** Resolution No. 2015-48: Resolution of the City Council of the City of Brawley, California Declaring the Floating Surface Aeration Equipment at the Brawley Wastewater Treatment Plant (WWTP) as Surplus Property and Authorizing the City of Calipatria's Removal of Said Equipment.

4. PUBLIC HEARINGS

- a. Site Plan (SP15-04)/Zone Change (ZC15-01)/General Plan Amendment GPA15-01/Conditional/Use Permit (CUP15-02) Brawley Senior Apartments.

Staff Report -Gordon Gaste, Planning Director presented a Power Point Presentation

Gordon Gaste, Planning Director, provided a project overview. The applicant is proposing to rezone to R-3 (Residential Medium Density) in order to develop a senior apartment complex. The project is currently zoned M-1 (Light Manufacturing).

Opened Public Hearing @ 6:41pm

Lupe Navarro, Brawley Resident, inquired about how the public was notified.

Gordon Gaste, Planning Director advised that the public notice is posted in public places, on the City website, in newspaper print and notices are mailed to affected residents within the required distance of 300 ft. from the property boundary.

Closed Public Hearing @ 6:47pm

1. **Approved** 1st Reading of Ordinance No. 2015-07: Ordinance of the City Council of the City of Brawley, California Amending the Brawley Municipal Code to Change the Zoning Designation for Specified Properties.

The Council **approved** the 1st Reading of Ordinance No. 2015-07: Ordinance of the City Council of the City of Brawley, California Amending the Brawley Municipal Code to Change the Zoning Designation for Specified Properties. m/s/c Nava/Noriega 5-0

2. **Approved** Resolution No. 2015-49: Resolution of the City Council of the City Brawley, California Amendment to the City of Brawley General Plan.

The Council **approved** Resolution No. 2015-49: Resolution of the City Council of the City Brawley, California Amendment to the City of Brawley General Plan. m/s/c Noriega/Wharton 5-0

- b. Annual Review of City of Brawley Utility User Tax.

Staff Report – Ruby Walla, Finance Director

Ruby Walla, Finance Director, provided introductory comments and a report of Utility User Tax receipts for the prior fiscal year. Special note was made of City of Brawley Municipal Code, Chapter 24: Taxation, Article VII, Section 24.93, Utility User Tax Annual Review.

5. REGULAR BUSINESS

- a. **Approved** Resolution No. 2015-50: Resolution of the City Council of the City of Brawley, California Adopting and Certifying as Accurate the Final Quarterly Plan Progress Report for the Sustainable Communities Planning Grant and Accepting as Complete the Draft Climate Action Plan and Draft General Plan Amendment.

The City Council **approved** Resolution No. 2015-50: Resolution of the City Council of the City of Brawley, California Adopting and Certifying as Accurate the Final Quarterly Plan Progress Report for the Sustainable Communities Planning Grant and Accepting as Complete the Draft Climate Action Plan and Draft General Plan Amendment. m/s/c Campbell/Noriega 5-0

- b. Discussion and Potential Action re: City of Brawley Finding of Public Convenience and Necessity to the Department of Alcoholic Beverage Control for Toni's Place located at 1115 East Main Street and Requested by Applicant Josephine Guillen.

Staff Report – Michael Crankshaw, Police Chief

Michael Crankshaw, Police Chief stated to the City Council that in July of 2015, the former Toni's Place owner Abraham Valencia, closed the location and sold the business. As a part of the process, the ABC license for "beer only" was terminated. The new owner of Toni's Place, Josephine Guillen, has applied for a new "beer & wine only" ABC License. Over the past three years, the BPD has responded to over 70 disturbance complaints by Mr. Guzman, abutting business owner of Naty's Place. Chief has met with Mr. Guzman on several occasions about ongoing concerns. Donna Hogan, ABC Licensing Representative II, stated that the license will incorporate restrictions. The doors will remain closed during business hours to assist with noise abatement and no consumption of alcohol will be permitted outside of the business.

Jerry Santillan, Representative for Josie Guillen, New Owner of Toni's stated that she is requesting a finding of public convenience and necessity to open up the tavern. Letters were sent to residents in the area within 500 ft.

Ray Guzman, Brawley Resident, stated that he lives behind Naty's at 1117 Main Street. He is unable to sleep because of the noise, loitering, alcohol outside of the building and use of profanity.

Rosemarie Jones, Owner of Toni's Place, stated she has owned the property for over 10 years. She commented on the ongoing dispute with her neighbor, Mr. Guzman.

Tina Gibson, Brawley Resident, stated that she was raised next to Toni's Place and never had an issue with noise. She rents a house next to her Beauty Shop a couple of doors down from Toni's Place and she asked her renter if she had any problems with noise or loitering and she said no. The resident across the street on the south side was also asked and she stated she didn't have an issue either.

The City Council **approved** the Finding of Public Convenience and Necessity for Toni's Place Place located at 1115 East Main Street and requested by Applicant Josephine Guillen. m/s/c Nava/Noriega 5-0

- c. Discussion and Potential Action to Approve Resolution No. 2015-51: Resolution of the City Council of the City of Brawley, California Declaring an Emergency, Ratifying Action Taken by the City Manager and Approving Emergency Repair of a Cracked Water Line on Malan Street Between South 5th Street and South 9th Street in the Amount of \$58,958.98 to A&R Construction and \$52,854.29 to Aggregate Products, Inc. (API).

The City Council **approved** Resolution No. 2015-51: Resolution of the City Council of the City of Brawley, California Declaring an Emergency, Ratifying Action Taken by the City Manager and Approving Emergency Repair of a Cracked Water Line on Malan Street Between South 5th Street and South 9th

Street in the Amount of \$58,958.98 to A&R Construction and \$52,854.29 to Aggregate Products, Inc. (API). m/s/c Nava/Noriega 5-0

- d. Discussion and Potential Action to Approve Resolution No. 2015-52: Resolution of the City Council of the City of Brawley, California Declaring an Emergency, Ratifying Action Taken by the City Manager and Approving Emergency Repair of a Collapsed Manhole on S. Best Avenue at the Intersection with Main Street in the Amount of \$21,594.61 to A&R Construction and in the Amount of \$1,461.66 to Aggregate Products, Inc. (API).

The City Council **approved** Resolution No. 2015-52: Resolution of the City Council of the City of Brawley, California Declaring an Emergency, Ratifying Action Taken by the City Manager and Approving Emergency Repair of a Collapsed Manhole on S. Best Avenue at the Intersection with Main Street in the Amount of \$21,594.61 to A&R Construction and in the Amount of \$1,461.66 to Aggregate Products, Inc. (API). m/s/c Nava/Wharton 5-0

- e. Discussion and Potential Action to Approve Purchase of Four Marked 2016 Ford Police Interceptor Utility Vehicles and Equipment in the Total Amount of \$173,242.67.

The City Council **approved** the Purchase of Four Marked 2016 Ford Police Interceptor Utility Vehicles and Equipment in the total amount of \$173,242.67. m/s/c Campbell/Wharton 5-0

- f. Review and Potential Action re: Sponsorship Request from United Way of Imperial County Annual Kick-Off Breakfast & Recognition Awards, Wednesday, September 16, 2015.

The City Council **approved** the Sponsorship Request from United Way of Imperial County Annual Kick-Off Breakfast & Recognition Awards, Wednesday, September 16, 2015. Staff was directed to charge the sponsorship against City Council Members travel and training budget. m/s/c Nava/Noriega 5-0

6. DEPARTMENTAL REPORTS

- a. Monthly Staffing Report, August, 2015 – Shirley Bonillas, Personnel & Risk Management Administrator
- b. Update on Online Bill Pay– Ruby Walla, Finance Director

7. INFORMATIONAL REPORTS

- a. Record of Building Permits for June and July 2015, Prepared by Francisco Soto, Building Official

8. CITY COUNCIL MEMBER REPORTS

Noriega: Attended Pioneer’s Memorial Hospital Meeting. Currently seeking sponsors for tree lighting ceremony. Offered tickets for sale for a fundraiser for Gilbert Vallarta. Thanked the City of Brawley on behalf of the Noriega Family for the beautiful tribute to brother in law Robert Noriega.

Couchman: Read to children at the Del Rio Library. Attended Mega Mixer at the Stockmen’s, Chamber Board Meeting, Fundraiser for Gilbert Vallarta and Pioneer’s Memorial Hospital Mixer.

Campbell: Attended the LAFCO meeting, Pioneer's/ECRMC/Heffernan Board Mixer. Announced upcoming SCAG meeting.

Wharton: Attended Mega Mixer, House of Bread Ministries Backpack Giveaway, PMH Mixer, NoCCA Meeting, check presentation by Assemblymember Eduardo Garcia to BUHS, Los Camperos Camping Trip and the BUHS Football Game. Welcomed dove hunters to the Valley.

Nava: Attended PMH Mixer, services for Robert Noriega, House of Bread Ministries Backpack Giveaway, Mega Mixer, Fundraiser for Gilbert Vallarta. Visited Renovate America Hero Program Energy Efficiency office in San Diego.

9. CITY MANAGER'S REPORT

- a. Great turnout for the giveaways of Backpacks and Swim Day sponsored by the Brawley Police Safety Employees Association.
- b. Public Hearing for Prop 218 Meeting will be held at the Lions Center on September 15, 2015.

10. TREASURER'S REPORT None to report

11. CITY ATTORNEY'S REPORT None to report

12. CITY CLERK'S REPORT None to report

13. CLOSED SESSION

- a. Conference with Legal Counsel Existing Litigation – One (1) case (G.C. Section §54956.9)
- b. Conference with Legal Counsel Potential Litigation – Five (5) cases (G.C. Section §54956.9)
- c. Public Employee Discipline/Dismissal/Release (G.C. Section §54957)

ADJOURNMENT @8:40 PM

Alma Benavides, City Clerk