

**CITY OF BRAWLEY**  
**September 15, 2015**

The City Council of the City of Brawley, California met in regular session at 6:00 PM, Lions Center, 225 A 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 Nava @ 6:01 PM**

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

The invocation was offered by **Senior Pastor Tony Romano, Gateway Church**

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

**1. APPROVAL OF AGENDA**

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

**2. PUBLIC APPEARANCES**

- a. **Jason Zara, Brawley Chamber of Commerce Executive Director**, reminded everyone of the Teachers Dinner on Thursday at the Stockmen’s Club.

**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 presented. m/s/c Noriega/Couchman 5-0

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

- a. **Approved** Accounts Payable: August 20, 2015  
August 21, 2015  
August 28, 2015
- b. **Approved** Resolution No. 2015-53: Resolution of the City Council of the City of Brawley, Adopting the Imperial County Multi-Jurisdiction Hazard Mitigation Plan Update.
- c. **Approved** Resolution No. 2015-54: Resolution of the City Council of the City of Brawley Acting in Its Capacity as the Successor Agency for the Brawley Community Redevelopment Agency Approving the Recognized Obligation Payment Schedule (ROPS) for the Period of January through June 2016 and Approving Certain Related Actions.

- d. **Approved** 2<sup>nd</sup> Reading and Adoption of Ordinance No. 2015-07: Ordinance of the City of Brawley, California Amending the Brawley Municipal Code to Change the Zoning Designation for Specified Properties.

#### **4. PUBLIC HEARINGS**

- a. Conduct Public Hearing in accordance with Proposition 218 to consider Wastewater and Water Rates.

**Staff Presentation** – Rosanna Bayon Moore, City Manager

\*PowerPoint presentation slides are available upon request at the Office of the City Clerk.

The City of Brawley last adopted residential water rate increases in 2008 to implement metered consumption rates. In 2009, the Brawley City Council took action to adopt commercial water rates, as well as residential and commercial wastewater rates. In Fiscal Year 2013/2014, staff initiated preparation of an update to the Water, Wastewater, Stormwater Rate Study. A contract with Bartle Wells Associates was approved by the City Council for the associated scope of work in February of 2014.

On February 17, 2015, Bartle Wells presented a draft report of the preliminary findings for the City of Brawley Water, Wastewater and Stormwater Rate Study to the City Council. The presentation defined the capital improvement project (CIP) needs in order of priority to meet water and wastewater utility needs. The projects ranged from Critical CIP to Full CIP. Following the presentation, the City Council provided staff direction to continue to explore Water Options 1 and 2 (for Critical and Low CIP) and Wastewater Option 1 for Critical CIP.

After extensive review and discussion, the City Council directed staff to further consult with BWA to review the following:

1. Potential reduction of the 18% water rate increase in year 1 and smoothing of implementation over the 5 year period.
2. Alternatives to the proposed residential water rate structure by meter size with a modified strategy to address 2 inch meter connections.

On July 21, 2015, Staff and BWA presented content to address the above-described concerns. With regard to the 18% recommended increase in year 1, several changes were incorporated. First, the Admin Allocation was changed. In addition, the 15 year term re-payment of the Wastewater Fund by the Water Fund in the amount of \$102,308 annually is no longer classified as an Operations & Maintenance expense. With these adjustments, the overall proposed rate increase decreased for year 1 from an average of 18% to 11%, with an overall 5 year increase of 54%. The proposed consumption rate was reduced from \$1.63 per 1,000 gallons to \$1.53 per 1,000 gallons for all accounts. This adjustment and reclassification places the City in the financial position to meet debt service requirements for all 5 years.

To address concern number 2, the revised proposed rate schedule now makes a distinction between the base meter size for residential and commercial separately. A 2 inch meter for residential is proposed at \$62.49 instead of \$100.36 as previously proposed.

**Alma Benavides, City Clerk**, reported that the City of Brawley received thirty (30) letters protesting water and wastewater rate increases, in addition to one (1) letter supporting the proposed rate structure from Liz Machado, Ciudad Plaza Owner. The letters on file were received from the following property owners:

**David L. Howington**  
**Susan Villon**  
**Imelda Castro**  
**Raul S. Ayala**  
**Marc Shapiro**  
**Jenny Benavides**  
**Raymundo Castaneda**  
**Thomas Perez**  
**Genoveva Moreno**  
**Alicia Ledezma**  
**Bob G. Trimm**  
**Theodore J. Staiger**  
**Maria Elena Miranda**  
**Reyes Arias**  
**Martha Gallegos**  
**Julia Solorzano**  
**Robert Myers**  
**Rudy Vallarta**  
**Laura Soto**  
**Carmen Soto**  
**Mark and Virginia Myers**  
**Wenceslao Jr. and Olga Santos**  
**Enrique and Kyechnae Gutierrez**  
**David Rodriguez**  
**Jose and Ramona Salazar**  
**Antonio and Terri Valadez**  
**Liz Machado, Ciudad Plaza**

**Public Hearing opened @ 6:30pm**

The following individuals provided public comments:

**Billy Gallegos**, Brawley resident  
**Jenny Benavides**, Brawley resident  
**John Hernandez**, Brawley resident  
**Liz Machado**, Ciudad Plaza  
**Geno Moreno**, Brawley resident  
**Fernando Mata**, Brawley resident  
**Filomeno Cajigas**, Brawley resident  
**Luis Olmedo**, Brawley resident  
**Carmen Robles**, Brawley resident  
**Gracie Fernandez**, Brawley resident  
**Thomas Perez**, Brawley resident

**Tony Gallegos**, Brawley resident  
**Gloria Santillan**, Brawley resident  
**Lloyd Miller**, Brawley resident  
**Chris Ferguson**, Brawley resident  
**Lupe Navarro**, Brawley resident

Topics of protest raised during the public hearing:

- Importance of Water and Sewer Master Plan and Capital Improvement Program (CIP), definition of CIP improvements and equipment
- Poor water quality
- Water that is not drinkable
- Additional outreach needed – materials in Spanish, targeted to utility billing customers (not just property owners)
- As a disadvantaged community, most people are unemployed or on a fixed income and below poverty level
- Unfairness that commercial properties are not all metered; business owners need to be charged for what they use
- Bulk water rates from IID decreased so should be passed on to customers
- Increasing cost of water increases blight
- Not all residents metered
- Need for greater transparency and accountability
- Rate increase is due to National Beef rate relief
- Drought and water savings
- Aged infrastructure
- Need for State and Federal grants

Comments in support of the proposed rate structure were entered into the record **by Liz Machado, Ciudad Plaza Owner. Ms. Machado** stated that she is one of the first commercial customers to be metered. She expressed support of the new structure because what is currently in place is not equitable. Ms. Machado stated that she is in total support of charging customers for what they use. Currently, Ciudad Plaza is charged per apartment whether that apartment is occupied or not. Despite having a meter, no rate is currently in place to charge a mixed use customer for residential and commercial usage. As a business owner, adoption of a comprehensive rate structure allows for recognizing different types of businesses and homes.

**Yazmin Arellano, Public Works Director, Ruby Walla, Finance Director, Rosanna Bayon Moore, City Manager and Doug Dove of Bartle Wells Associated** addressed a number of the topics raised in public comments:

- The City of Brawley has identified projects from the Water and Sewer Master Plans as part of the rate study. These projects are contemplated in the City's Capital Improvement Program.
- Proposition 218 requires notification to owners of record according to the County of Imperial Assessor's Office. The Proposition 218 notices were mailed in English with reference in Spanish to where the notice in Spanish could be accessed.

- All residential customers in the City of Brawley are metered. Efforts to ensure all customers are metered are underway. Proposed capital projects for the rate study include commercial metering. The City has attempted to secure State and Federal financial support for commercial meters with no success. The City is currently utilizing threshold events to condition commercial customers with installation of a water meter.

**Doug Dove, Principal of Bartle Wells Associates,** stated that what is driving the water rates are the capital improvements that are needed because of the aging system. Many capital improvement projects were identified which have been narrowed to a list of \$9 million dollars. These projects will keep the system reliable and operating properly into the future. The rate structure will enable the City to meter all commercial accounts. Once all customers are metered, everyone will pay for what they use. Currently, the Water Enterprise Fund is in a deficit. The City's largest commercial operation closed down about a year ago and that is what is significantly impacting water revenues. Plus, the City has capital improvement projects to fund.

**Yazmin Arellano, Public Works Director** described three of the proposed capital improvement projects considered in the Rate Study.

- The Andrita Circle Pipeline Replacement Project is a continuation of the waterline project on East K St. Preliminary design for this project dates back to 2004. The project is critical because the pipeline is a small diameter, cast iron, tuberculated line that experiences constant breaks due to the brittle metal.
- The Southwest Water Line Replacement Project will address an existing system bottleneck and significantly improve water distribution in the southwest quadrant of the City, including the hospital. The project will provide increased capacity and critical redundancy within the system.
- The Southwest Sewer Pipeline Project will provide sewer service to the southwest area of the City, relieving some capacity in the City's only west/east sewer trunk along Julia Drive. It will convey wastewater from the southwest area of the City to new sewer lift station 3.

**CM Noriega** stated the City needs to be more clear about what infrastructure projects are needed and to reconcile public comments. Greater transparency is needed and the City needs to consider the effects of increased rates on low income residents. The staff needs to search for grants and better inform residents of what's going on.

**CM Couchman** stated that no one likes increases. Water bills are based on consumption, whether one is a renter or owner. Clearly, rate changes have an effect on residents with fixed incomes.

**Mayor Nava** commented on daily and weekly emergencies to repair aged infrastructure, including water lines and sewer manholes. Transparency and improved communication are needed.

**CM Campbell** commented no one likes rate increases. He noted that the City experienced many setbacks in recent years including the dissolution of its Redevelopment Agency and the Enterprise Zone. Community involvement is needed. The City has infrastructure in need of repair, including aged water lines that need attention.

**CM Wharton** thanked everyone that came out to participate. He emphasized the importance of transparency, accountability and communication. He commented on the current state of the City's aging infrastructure and noted that everyone deserves equal access to water.

Upon unanimous consent, the City Council motioned to adjourn the continued Public Hearing to November 17, 2015 at 6pm at the Lions Center, instructing staff to perform additional outreach and distribute a meeting notification in English and Spanish to all customers in the October 23<sup>rd</sup> utility bill.

**Recess @ 8:55pm**

**Reconvened @ 9:10pm**

## **5. REGULAR BUSINESS**

- a. Discussion and Potential Action to Approve Resolution No. 2015-55: Resolution of the City Council of the City of Brawley, California Authorizing the Submission of Functional Classification Change for Local Streets and Roads to the State of California, Department of Transportation (CALTRANS).

The Council **approved** Resolution No. 2015-55: Resolution of the City Council of the City of Brawley, California Authorizing the Submission of Functional Classification Change for Local Streets and Roads to the State of California, Department of Transportation (CALTRANS). m/s/c Campbell/Noriega 5-0

- b. Discussion and Potential Action to Approve Resolution No. 2015-56: Resolution of the City Council of the City of Brawley, California Authorizing the Submission of the City of Brawley's Projects for the Regional Surface Transportation Program (RSTP) 2015 Call for Projects For Fiscal Years 2016/2017, 2017/2018 and 2018/2019.

The Council **approved** Resolution No. 2015-56: Resolution of the City Council of the City of Brawley, California Authorizing the Submission of the City of Brawley's Projects for the Regional Surface Transportation Program (RSTP) 2015 Call for Projects For Fiscal Years 2016/2017, 2017/2018 and 2018/2019. m/s/c Campbell/Noriega 5-0

- c. Discussion and Potential Action to Approve Resolution No. 2015-57: Resolution of the City Council of the City of Brawley, Authorizing the Submission of the City of Brawley's Proposed Projects in Response to Imperial County Transportation Commissions' (ICTC) Congestion Mitigation and Air Quality (CMAQ) 2015 Call for Projects for Fiscal Years 2016/2017, 2017/2018 and 2018/2019.

The Council **approved** Resolution No. 2015-57: Resolution of the City Council of the City of Brawley, Authorizing the Submission of the City of Brawley's Proposed Projects in Response to Imperial County Transportation Commissions' (ICTC) Congestion Mitigation and Air Quality (CMAQ) 2015 Call for Projects for Fiscal Years 2016/2017, 2017/2018 and 2018/2019. m/s/c Nava/Noriega 5-0

- d. Discussion and Potential Action to Approve Resolution No. 2015-58: Resolution of the City Council of the City of Brawley, California Establishing an Attendance Policy for Members of City Commissions/Boards and Committees.

The Council **approved** Resolution No. 2015-58: Resolution of the City Council of the City of Brawley, California Establishing an Attendance Policy for Members of City Commissions/Boards and Committees. m/s/c Nava/Wharton 5-0

**6. DEPARTMENTAL REPORTS**

- a. Marjo Mello, Library Director, re: Summer Reading Program
- b. Patricia Dorsey, Parks & Recreation Director, re: Summer Recreation Program

**7. CITY COUNCIL MEMBER REPORTS**

**Noriega:** Attended El Grito in Calexico at the Community Center and in El Grito in Brawley at the Hidalgo Hall; will attend El Centro Grito at the Old Post Office Pavilion. Announced valleywide Senior Gathering at the Lions Center tomorrow at 11am.

**Couchman:** Attended Monday Night Football at the Stockmen’s; commented on high level of activity throughout the City of Brawley.

**Campbell:** Attended El Grito at Hidalgo Hall.

**Wharton:** Attended ceremony at Brawley Union High School where Honorable Juan Vargas presented a Congressional Award to Mr. Jose Flores, Monday Night Football at the Stockmen’s Club. Participated with Mayor and City Manager in a focus group for the BUHS Superintendent search.

**Nava:** Attended the Film Commission Meeting. Announced the IV Film Commission Festival October 23<sup>rd</sup> & 24<sup>th</sup> at Imperial Palms Resort. Participated with the COSCA Group in search of the new BUHS Superintendent. Met with members of the public prior to tonight’s meeting.

**8. CITY MANAGER’S REPORT**

- a. Will attend the City Parks & Recreation Commission Meeting later in the week regarding Cattle Call Park and a future action item will be presented to the City Council.
- b. Civico Comite del Valle is collaborating with Imperial Valley Food Bank on a Food and Drought Assistance Program. (Materials were distributed at the request of Luis Olmedo, Executive Director.)

**9. TREASURER’S REPORT**

- a. Investment Activity Report as of June 30, 2015.

**10. CITY ATTORNEY’S REPORT** None to report

**11. CITY CLERK’S REPORT** None to report

**ADJOURNMENT**

@9:42 PM

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**Alma Benavides**, City Clerk