

**MINUTES
CITY COUNCIL
CITY OF IMPERIAL
DECEMBER 15, 2021**

A. CITY COUNCIL CONVENES TO CLOSED SESSION AT 6:30 PM.

MAYOR EUGENIO CONVENEED TO CLOSED SESSION AT 6:36 PM

CITY COUNCIL PRESENT: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

CITY STAFF PRESENT: MORITA, BROWN, HOLBROOK AND MORA

A-1. SUBJECT: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION.
(Initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Section 54956.9).
One (1) potential case.

A-2. SUBJECT: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.
(Section 54956.9)
Case Number: 21-cv-09233-DMR

CITY COUNCIL ADJOURNS CLOSED SESSION AT 6:52 PM

B. CITY COUNCIL RE-CONVENES TO OPEN SESSION AT 7:00 P.M.

CITY COUNCIL PRESENT: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

CITY STAFF PRESENT: MORITA, BROWN, HOLBROOK, GUTIERREZ, HALLER, CHIEF ESTRADA,
CHIEF BARRA, ESTRADA, LOPER, LOPEZ, CAPT. SHEFFIELD, AND ANGUIANO.

PLEDGE OF ALLEGIANCE

ADJUSTMENTS TO THIS AGENDA

MORITA requested that ITEM F-1 be moved to the end of the agenda, and reported that WARRANT #102084 should be held out for separate action from the consent agenda.

MOTION BY AMPARANO AND SECOND BY TUCKER to make the adjustments as presented by the City Manager.

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

NOES: NONE

ABSTAIN: NONE

MOTION CARRIED: 5-0

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

HOLBROOK ANNOUNCED THERE WAS NO ACTION IN CLOSED SESSION.

C. PUBLIC APPEARANCES:

C-1. Matters not appearing on the agenda.

NONE

C-2. Matters appearing on the agenda.

NONE

D. SPECIAL PRESENTATIONS:

D-1. MY IMPERIAL MOBILE APPLICATION

BROWN presented the item. The City of Imperial, in collaboration with GoGov is set to launch the City’s new mobile application. **BROWN** stated that this will allow residents to access City services with more convenience and allow for emergency notifications to residents who download the app.

E. CONSENT AGENDA:

All items appearing under “Consent Agenda” will be acted upon by the City Council by one motion without discussion. Should any Council member or other person request that any item be considered separately that item will then be taken up at the time as determined by the **MAYOR**

- E-1.** Approval of claims/warrants report.
- E-2.** Approval of the continuation of emergency declared by Resolution No. 2021-51.
- E-3.** Approval of Regular City Council Minutes for December 1, 2021.
- E-4.** Approval for surplus of parks fleet vehicle 2004 F250 diesel service truck.
- E-5.** Approval of letter for commitment/participation agreement with Motorola Solutions.
- E-6.** Approval and Adoption of the City of Imperial mobile device policy.
- E-7.** Approval of Agreement between Imperial Valley Drug Coalition Law Enforcement Coordination Center and the City of Imperial.
- E-8.** Republic Services Annual Rate Adjustment of 3.7% for residential waste collections services.

ACTION #1:

AMPARANO motioned to approve the consent agenda withholding warrant #102084 for **DALE, TUCKER** SECONDED.

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

NOES: NONE

ABSTAIN: NONE

MOTION CARRIED 5-0

ACTION #2:

AMPARANO MADE A MOTION TO APPROVE WARRANT #102084 FOR DALE

AYES: AMPARANO, BURNWORTH, TUCKER AND EUGENIO

NOES: NONE

ABSTAIN: DALE

MOTION CARRIED: 4-1

F. ACTION ITEMS: (DISCUSSION/ACTION – APPROVE-DISAPPROVE)

F-1. SUBJECT: DISCUSSION/ACTION: REORGANIZATION OF THE IMPERIAL CITY COUNCIL FOR CALENDAR YEAR 2022.

MOVED TO END OF THE MEETING

F-2. SUBJECT: DISCUSSION/DIRECTION: SR 86 AND 15TH STREET INTERSECTION.

BROWN presented the item to the City Council. **BROWN** reviewed the traffic data provided by the CR Associates Traffic Engineer, and further explained the proposed route change for the pick/up and drop off area. **BROWN** explained that the City AD HOC had met with the School District to review the proposed changes. **AMPARANO** asked for confirmation that it would be school staff that would be facilitating the changes. **BROWN** confirmed yes, but through some collaboration and training with our Imperial Police Department. **AMPARANO** asked how quickly this could be implemented. **BROWN** explained that the goal would be before McDonalds opens in February. **AMPARANO** asked what the plan was for after the opening of the businesses there because it was going to change the congestion. **BROWN** confirmed the reason that no physical changes to the intersections were recommended was because there needs to be continued assessment of the area as businesses open. The solution proposed is only a temporary fix. **AMPARANO** expressed his appreciation to staff that this wasn't the permanent solution and asked that staff continue to monitor the situation and report back. No further discussion was held by the City Council.

F-3. SUBJECT: DISCUSSION/ACTION: EAGER PARK SPLASH PAD SHADE PROJECT.

DISCUSSION:

LOPEZ presented the item to the City Council. **LOPEZ** gave an overview of the project completion. **AMPARANO** asked when the plywood and cones around the area would be removed. **LOPEZ** stated that in the coming days those would be removed from the project site. The wood and cones were a safety measure for the ground water testing. No further discussion was held by the City Council. **MAYOR EUGENIO** called for a motion.

ACTION 1:

AMPARANO MADE A MOTION to accept work as completed for the Eager Park Splash Pad Shade Project. BURNWORTH SECONDED THE MOTION.

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

NOES: NONE

ABSTAIN: NONE

MOTION CARRIED: 5-0

ACTION #2

TUCKER MADE A MOTION to approve filing of the notice of completion with county recorder's office. BURNWORTH SECONDED THE MOTION.

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

NOES: NONE

ABSTAIN: NONE

MOTION CARRIED: 5-0

F-4. SUBJECT: DISCUSSION/ACTION: ADOPTION OF CYBERSECURITY INCIDENT RESPONSE PLAN POLICY.

DISCUSSION:

ESTRADA presented the item to the City Council. No discussion was held by the City Council. MAYOR EUGENIO called for a motion.

ACTION:

DALE MADE A MOTION TO APPROVE AND ADOPT the City of Imperial Cybersecurity Incident Response Plan Policy. BURNWORTH SECONDED THE MOTION

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

NOES: NONE

ABSTAIN: NONE

MOTION CARRIED: 5-0

F-5. SUBJECT: DISCUSSION/ACTION: AMENDMENT TO MUNICIPAL ORDINANCE REGARDING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION PROGRAM PURSUANT TO SB1383.

DISCUSSION:

MORA presented the item to the City Council. AMPARANO stated that this was a waste of money by the State. DALE stated he has an issue with another mandate, because with another mandate comes more taxes so the State can pay for it. DALE further stated that businesses are suffering and its wrong that the State imposes another regulation; every City in this State should vote no. AMPARANO asked MORA what would happen if this ordinance got voted down tonight. MORA explained that the penalties for not implementing the ordinance are \$10,000 per day fines that will be imposed by the STATE. AMPARANO asked who was going to regulate the cities for compliance. MORA stated that Cal Recycle has been the point of contact during the regulatory process, but the State has not identified

an agency for enforcement. DALE further commented that this was legalized extortion. No further discussion was held by the City Council. MAYOR EUGENIO called for a motion.

ACTION #1

BURNWORTH MADE A MOTION to introduce Ordinance #812 in Title Only amending the City of Imperial Municipal Ordinance Chapter 10-B regarding mandatory organic waste disposal reduction. TUCKER SECONDED THE MOTION

AYES: BURNWORTH, TUCKER AND EUGENIO
NOES: AMPARANO AND DALE
ABSTAIN: NONE

MOTION CARRIED: 3-2

ACTION #2

BURNWORTH MADE A MOTION directing staff to prepare a summary of Ordinance No. 812 for publication purposes. TUCKER SECONDED THE MOTION.

AYES: BURNWORTH, TUCKER AND EUGENIO
NOES: AMPARANO AND DALE
ABSTAIN: NONE

MOTION CARRIED: 3-2

F-6. SUBJECT: DISCUSSION/ACTION: AMENDMENT TO MUNICIPAL ORDINANCE REGARDING RESTORATION OF A DAMAGED STRUCTURE FOR NON-CONFORMING USES.

DISCUSSION:

MORA presented the item to the City Council stating that the commission reviewed the proposed amendment and ultimately recommended the proposed changes to the City Council for adoption. AMPARANO asked for clarification on non-conforming use and how that was relevant to current zoning in the City. MORA and MORITA clarified that non-conforming use in this case was for an area previously zoned as residential, but is now zoned as Village Commercial. Should the residence be destroyed by a “natural disaster”, current language in our ordinance would not allow the owners to rebuild the home. The proposed amendment would give the City discretion in those cases. AMPARANO clarified that doing this would be a benefit to the residents. MORITA confirmed that was the intent of the change. No further discussion was held by the City Council. MAYOR EUGENIO called for a motion.

ACTION #1:

AMPARANO MOTIONED TO INTRODUCE ORDINANCE 813 IN TITLE ONLY TO AMEND THE CITY OF IMPERIAL’S ZONING TEXT IN CHAPTER 24, SECTION 24.17.150. DALE SECONDED THE MOTION.

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO
NOES: NONE

ABSTAIN: NONE

MOTION CARRIED: 5-0

ACTION #2:

DALE MADE A MOTION directing staff to prepare a summary of Ordinance No. 813 for publication purposes. AMPARANO SECONDED THE MOTION.

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

NOES: NONE

ABSTAIN: NONE

MOTION CARRIED: 5-0

F-7. SUBJECT: DISCUSSION/ACTION: AMENDMENT TO MUNICIPAL ORDINANCE REGARDING DEVELOPMENT STANDARDS FOR ATTACHED AND DETACHED CANOPIES IN RESIDENTIAL ZONES.

DISCUSSION:

MORA presented the item to the City Council. DALE asked if this included covered or closed patios, or was it just for open air patios(?). MORA stated it was for all patios. AMPARANO asked if 3ft was enough for Fire Department. MORA confirmed that is was, however it must be 5ft if there are living areas as well. AMPARANO asked if this amendment would alleviate the issue that Planning Commission had to consider for gentleman who had to obtain a variance for his patio(?). MORA stated that his amendment would only be applicable moving forward and could not be retroactive. BURNWORTH expressed her appreciation for the change and stated that she was glad this would make it easier on home owners in the future. No further discussion was held by the City Council. MAYOR EUGENIO called for a motion.

ACTION #1

DALE MOTIONED to introduce Ordinance No. 814 by title only amending Zoning Text Chapter 24 Section 24.03.140 (A) of the City's Zoning Code. BURNWORTH SECONDED THE MOTION.

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

NOES: NONE

ABSTAIN: NONE

MOTION CARRIED: 5-0

ACTION #2

AMPARANO MADE A MOTION directing staff to prepare a summary of Ordinance No. 814 for publication purposes. BURNWORTH SECONDED THE MOTION.

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

NOES: NONE

ABSTAIN: NONE

MOTION CARRIED: 5-0

F-8. SUBJECT: DISCUSSION/ACTION: DEVELOPMENT IMPACT FEE PROGRAM FUNDING REPORT.

DISCUSSION:

GUTIERREZ presented the item to the City Council. No discussion was held by the City Council. **MAYOR EUGENIO** called for a motion.

ACTION:

BURNWORTH MADE A MOTION to ADOPT RESOLUTION NO. 2021-53 approving the fiscal year 2020-2021 Development Impact Fee Funding Report. **TUCKER** SECONDED THE MOTION.

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO
NOES: NONE
ABSTAIN: NONE

MOTION CARRIED: 5-0

F-9. SUBJECT: DISCUSSION/ACTION: ADJUSTMENTS TO PART-TIME AND TEMPORARY SALARY SCHEDULES.

DISCUSSION:

BROWN presented the item to the City Council. No discussion was held by the Council. **MAYOR EUGENIO** called for a motion.

ACTION:

BURNWORTH MOTIONED to approve the adjustments to Part-Time and Temporary Salary Schedules to reflect Minimum Wage Requirements. **TUCKER** SECONDED THE MOTION.

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO
NOES: NONE
ABSTAIN: NONE

MOTION CARRIED 5-0

F-1 SUBJECT: DISCUSSION/ACTION: REORGANIZATION OF THE IMPERIAL CITY COUNCIL FOR CALENDAR YEAR 2022.

MAYOR EUGENIO called upon Deputy City Clerk **BROWN** to open the item for nominations. **BROWN** called upon the City Council to make nominates for Mayor and Mayor Pro Tem for Calendar Year 2022.

ACTION #1

AMPARANO MOTIONED TO APPOINT **GEOFF DALE** AS **MAYOR** FOR CALENDAR YEAR 2022. **TUCKER** SECONDED THE MOTION.

AYES: AMPARANO, BURNWORTH, EUGENIO, AND TUCKER
NOES: NONE
ABSTAIN: DALE

MOTION CARRIES: 4-1

ACTION #2

AMPARANO MADE A MOTION TO SELECT KATIE BURNWORTH AS MAYOR PRO TEM FOR CALENDAR YEAR 2022. EUGENIO SECONDED THE MOTION.

AYES: AMPARANO, EUGENIO, TUCKER, BURNWORTH AND DALE
NOES: NONE
ABSTAIN: NONE

MOTION CARRIES: 5-0

Following the appointments, MAYOR DALE presented OUTGOING MAYOR EUGENIO with a proclamation on behalf of the City, Friends of Imperial Parks, And Imperial Valley Urban Forest, gifting MAYOR EUGENIO a tree to plant in any of the City's parks. EUGENIO made remarks on her accomplishments during her time as mayor and expressed her enthusiasm for upcoming projects.

G. REPORTS:

- G-1. **SUBJECT: DEPARTMENT REPORTS.**
- G-2. **SUBJECT: CITY MANAGER REPORT.**
- G-3. **SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.**

NO REPORTS

MAYOR DALE ADJOURNED THE MEETING AT 7:57 PM UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, JANUARY 5, 2022, AT 7:00 P.M.