

**MINUTES  
CITY COUNCIL  
AND  
SUCCESSOR AGENCY TO THE  
FORMER REDEVELOPMENT AGENCY  
NOVEMBER 03, 2021**

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

Mayor Pro Tem Dale Convened to Closed Session at: 6:30 PM

CITY COUNCIL PARTICIPATION

PHYSICAL ATTENDANCE: AMPARANO, BURNWORTH, TUCKER, AND DALE

\*VIRTUAL ATTENDANCE: EUGENIO

CITY STAFF PARTICIPATION:

PHYSICAL ATTENDANCE: MORITA, BROWN, AND HOLBROOK

\*VIRTUAL ATTENDANCE: NONE

**A-1. SUBJECT: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION.**

(Initiation of litigation pursuant to paragraph (4) of subdivision (D) of Section 54956.9).

Two (2) potential cases.

**A-2. SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS (SECTION 54956.8).**

Property: Assessor Parcel Numbers: 044-611-011 and 044-616-024

Agency Negotiator: City Manager

Negotiating Parties: Joe McCormack

Under Negotiation: Instruction to Negotiator Concerning Price and Terms

*CITY COUNCIL ADJOURNS CLOSED SESSION*

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

MAYOR PRO TEM DALE CHAIRED THE REGULAR MEETING OF THE CITY COUNCIL.

MAYOR PRO TEM DALE CALLED THE MEETING TO ORDER: 7:00 PM

CITY COUNCIL PARTICIPATION

PHYSICAL ATTENDANCE: AMPARANO, BURNWORTH, TUCKER, AND DALE

\*VIRTUAL ATTENDANCE: EUGENIO

CITY STAFF PARTICIPATION:

PHYSICAL ATTENDANCE: MORITA, BROWN, HOLBROOK, MORA, GUTIERREZ, BARRA, BC J. RODELO, ESTRADA, LOPEZ, AND LOPER.

\*VIRTUAL ATTENDANCE: NONE

PLEDGE OF ALLEGIANCE LED BY LOPER

ADJUSTMENTS TO THIS AGENDA - NONE

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION - NONE

**C. PUBLIC APPEARANCES:**

**C-1.** Matters not appearing on the agenda.

PUBLIC COMMENTS: Chuck Jernigan of Rodeo Drive in Imperial, CA addresses the City Council regarding concerns for the traffic at the intersection of HWY 86 and 15<sup>th</sup> Street next to Frank Wright Middle School. COUNCIL gave direction for staff to place the item on a future agenda to continue discussion.

VIRTUAL COMMENTS: NONE

**C-2.** Matters appearing on the agenda.

PHYSICAL COMMENTS: NONE

VIRTUAL COMMENTS: NONE

**D. 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**

**D-1.** Approval of claims/warrants report.

**D-2.** Approval of the continuation of emergency declared by Resolution No. 2021-51.

**D-3.** Approval of Special Joint Work Session of the Imperial City Council and Planning Commission Meeting Minutes for October 20, 2021, Regular City Council Meeting Minutes for October 20, 2021 and Special Meeting of the City Council Minutes for October 25, 2021

**D-4.** Approval of Resolution No. 2021-58 for AB361.

**D-5.** Approval of Treasurer’s Report for the month ending in August 31<sup>st</sup> and September 30<sup>th</sup>.

**ACTION:**

MOTION BY AMPARANO AND SECOND BY BURNWORTH to approve the Consent Agenda as presented.

**MOTION CARRIES: 5-0**

AYES: AMPARANO, BURNWORTH, TUCKER, DALE AND EUGENIO

NOES: NONE

ABSTAIN: NONE

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

**E-1. SUBJECT: DISCUSSION/ACTION: REMOVAL AND REPLACEMENT OF FOUR (4) SANITARY SEWER MANHOLES ALONG 2<sup>ND</sup> STREET BETWEEN OLD SR-86 AND “P” STREET (BID NO. 2021-07).**

**DISCUSSION:**

The item was presented by MORA on behalf of the Community Development Department. BURNWORTH and AMPARANO requested clarification regarding the vast differences in the three bids. MORA provided information on the bid process. AMPARANO requested clarification as to why

the City is requesting a hirer contingency for the project, and stated concerns that we are not planning properly. MORA stated that it is because the project abuts to a main line and is at greater risk so planning for a higher contingency will allow staff to address issues efficiently should the need arise. AMPARANO asked when the last time we went out to the area and looked at the condition of infrastructure besides the mandatory walk through. LOPER clarified the specifications of the project. AMPARANO expressed his appreciation that the three bids came from three local companies. No further discussion was had by the City Council.

**ACTION #1**

MOTION BY TUCKER AND SECOND BY AMPARANO to award the construction contract for Removal and Replacement of Sewer Manholes along 2<sup>nd</sup> Street Between SR 86 and P Street to A&R Construction.

MOTION CARRIED: 5-0

AYES: TUCKER, BURNWORTH, EUGENIO, AMPARANO, and DALE

NOES: NONE

ABSTAIN: NONE

Councilmember Tucker - Y  
Councilmember Burnworth Y  
Mayor Eugenio Y  
Councilmember Amparano Y  
Mayor Pro Tem Dale Y

**ACTION #2**

MOTION BY: AMPARANO AND SECOND BY TUCKER to authorize a twenty five percent (25%) contingency on the project bid.

MOTION CARRIED: 5-0

AYES: BURNWORTH, AMPARANO, TUCKER, EUGENIO, AND DALE

NOES: NONE

ABSTAIN: NONE

**E-2. SUBJECT: DISCUSSION/ACTION: ESSENTIAL AIR SERVICE AT IMPERIAL COUNTY AIRPORT.**

**DISCUSSION:**

MORITA presented the item stating that the Mayor had requested the item from the October 25, 2021 Regular Meeting be brought back to the City Council for consideration. MORITA provided a recap of what was discussed by the Council during the prior meeting. AMPARANO stated he appreciated the item was brought back to Council and was concerned that the airline previously chosen would restrict accessibility to lower income families wanting to utilize the service. DALE stated his concern was the difference in the airplane, as well as the gap in subsidy. DALE referenced several airports he had heard that Boutique was losing their contract at for in-efficient service. DALE recommended that the Council reconsider their original vote and support Southern Airlines. No further discussion was held. DALE called for a motion.

**ACTION:**

MOTION BY AMPARANO to amend the Council’s previous action and support Southern Airways proposal in response to the Department of Transportation’s solicitation for Essential Air Service at Imperial County Airport. SECONDED by TUCKER.

**MOTION CARRIED: 5-0**

AYES: EUGENIO, BURNWORTH, TUCKER, AMPARANO, AND DALE

NOES: NONE

ABSTAIN: NONE

**E-3. SUBJECT: DISCUSSION/ACTION: CLASS I AND CLASS II BIKE FACILITY ALONG THE NORTH SIDE OF ATEN BLVD FROM DOGWOOD ROAD TO PUERTO VALLARTA AVENUE (BID NO. 2020-08 / CML 5134 (023)).**

**DISCUSSION:**

MORA presented the item on behalf of the Community Development Department. MORA stated that the project was awarded through the Congestion Mitigation and Air Quality (CMAQ) State program in the amount of \$607,657.66. AMPARANO and BURNWORTH requested clarification regarding what is left in contingencies and why this is a change order for the project. MORA stated that the amounts used in contingencies were done in effort to strengthen some of the access driveways along the path to accommodate farm equipment crossing. No further discussion was held by the City Council. DALE called for a motion.

**ACTION# 1**

MOTION BY TUCKER AND SECOND BY AMPARANO to approve the balancing change order for the Bike Facility along Aten Road to Puerto Vallarta Avenue as presented by staff.

**MOTION CARRIED: 5-0**

AYES: AMPARANO, BURNWORTH, TUCKER, EUGENIO, AND DALE

NOES: NONE

ABSTAIN: NONE

**ACTION #2**

MOTION BY TUCKER AND SECOND BY BURNWORTH to accept the work as completed for the project.

**MOTION CARRIED: 5-0**

AYES: TUCKER, BURNWORTH, EUGENIO, AMPARANO, AND DALE

NOES: NONE

ABSTAIN: NONE

**ACTION #3**

MOTION BY TUCKER AND SECOND BY BURNWORTH authorizing the City Clerk to file the Notice of Completion with the Imperial County Clerk/Recorder Office.

MOTION CARRIED: 5-0

AYES: BURNWORTH, AMPARANO, TUCKER, EUGENIO, AND DALE

NOES: NONE

ABSTAIN: NONE

**E-4. SUBJECT: DISCUSSION/ACTION: 2<sup>ND</sup> STREET REHABILITATION AND RECONSTRUCTION PROJECT FROM OLD SR-86 TO “P” STREET (BID NO. 2021-05).**

**DISCUSSION:**

MORA presented the item on behalf of the Community Development Department. HOLBROOK stated that the City received a bid protest from Rove Engineering. HOLBROOK reviewed the item with staff, stated that they didn't find it permissible and provided options of next steps to COUNCIL. MORA confirmed that he also reviewed the subject of the protest with the Department of Transportation. They agreed with HOLBROOK findings. AMPARANO stated that if the DOT and City Attorney have found that the protest is inadmissible that was good enough for him. AMPARANO asked what the timeline of the project was. MORA stated that the project is a 90-Day Completion from the Notice to Proceed. AMPARANO expressed concern that the project would interfere with the Fair. AMPARANO also requested staff plan City improvements such as new stops signs, no parking signs, and other in tandem with the project. No further discussion was held by the City Council. DALE called for a motion.

**ACTION #1**

MOTION BY TUCKER AND SECOND BY AMPARANO to award the construction contract for the 2<sup>nd</sup> Street Rehabilitation and Reconstruction Project (Bid No. 2021-05) to Pyramid Construction and Aggregates, Inc.

**MOTION CARRIED: 5-0**

AYES: EUGENIO, AMPARANO, TUCKER, BURNWORTH, AND DALE

NOES: NONE

ABSTAIN: NONE

**ACTION #2**

MOTION BY AMPARANO AND BURNWORTH to authorize a 15% Contingency on the construction contract for the 2<sup>nd</sup> Street Rehabilitation and Reconstruction Project.

**MOTION CARRIED: 5-0**

AYES: AMPARANO, TUCKER, EUGENIO, BURNWORTH AND DALE

NOES: NONE

ABSTAIN: NONE

**E-5. SUBJECT: DISCUSSION/ACTION: IMPERIAL PUBLIC LIBRARY BOARD OF TRUSTEES.**

**DISCUSSION:**

BROWN presented the item on behalf of the City Manager's Office and Community Services Department. BROWN referenced that six applications were received, however only five applications qualified with the Registrar of Voters. TUCKER asked for clarification as to how each person would be appointed. BROWN provided information that the Council could appoint by one motion, but each would need to make their individual appointments and then follow the recommendations with one action. AMPARANO APPOINTED RICHARD BROWN, TUCKER APPOINTED RAMIRO RAMOS, BURNWORTH APPOINTED MAGDALENA ALTAMIRANO, DALE APPOINTED RHONDA SANCHEZ, AND EUGENIO APPOINTED RACHEL ALEXIS BLACKWOOD.

**ACTION #1**

MOTION BY TUCKER to appoint the recommended individuals as stated by COUNCIL to the Imperial Public Library Board of Trustees. SECOND BY AMPARANO

**MOTION CARRIED: 5-0**

AYES: EUGENIO, AMPARANO, BURNWORTH, TUCKER AND DALE

NOES: NONE

ABSTAIN: NONE

**E-6. SUBJECT: DISCUSSION ONLY: AMENDMENT TO ORDINANCE 795.**

1. DISCUSSION/DIRECTION OF THE IMPERIAL CITY COUNCIL TO STAFF REGARDING AMENDMENT TO ORDINANCE 795 RELATING TO MEDICAL AND ADULT USE OF CANNABIS IN THE CITY OF IMPERIAL.

**DISCUSSION:**

BROWN presented the item on behalf of the City Manager's Office. BROWN reviewed the process in which the City can amend the ordinance by expanding the amount of permits but limiting the uses under those permits to only cultivation and manufacturing. BROWN also stated that staff does not recommend amending the permitted zoning (C2) for those businesses. DALE asked for clarification on the process to amend the ordinance. BROWN provided the information as to the public hearing process with the Planning Commission and City Council. No further discussion was held by the Council.

**NO ACTION TAKEN.** COUNCIL gave direction to staff to begin the amendment process for Imperial Ordinance 795 relating to Medical and Adult Use of Cannabis in the City of Imperial to expand the amount of permits, but limiting the uses to cultivation and manufacturing.

**F. SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY.**

**F-1. SUBJECT: DISCUSSION/ACTION: LEASE OF PROPERTY OWNED BY SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY.**

1. APPROVE LEASE AGREEMENT BETWEEN C.B.M. GINNING COMPANY INC. AND CITY OF IMPERIAL CONTINGENT ON EXECUTION OF SETTLEMENT AND RELEASE.

**DISCUSSION:**

HOLBROOK presented the item to the City Council. No further discussion was held by the Council. DALE called for a motion.

**ACTION:**

MOTION BY TUCKER AND SECOND BY BURNWORTH to approve the Lease Agreement between C.B.M. Ginning Company, Inc. and the City of Imperial contingent on Execution of the Settlement and Release.

**MOTION CARRIED: 5-0**

AYES: TUCKER, EUGENIO, AMPARANO, BURNWORTH AND DALE

NOES: NONE

ABSTAIN: NONE

**G. REPORTS:**

**G-1. SUBJECT: DEPARTMENT REPORTS.**

BARRA expressed his gratitude towards his Investigations Unit for the recent work they have been doing in the community.

**G-2. SUBJECT: CITY MANAGER REPORT.**

NONE

**G-3. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.**

AMPARANO thanked the Imperial Police Department for their presence in the community during Halloween.

EUGENIO recognized staff for their efforts in facilitating Fiesta de los Muertos.

DALE commented that it was great to see the Police Officers out during Halloween and congratulated staff on an amazing Market Days Event.

**MAYOR PRO-TEM DALE ADJOURNED THE REGULAR MEETING AT 8:11 PM UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, NOVEMBER 17, 2021 AT 7:00 P.M.**