

**CITY OF BRAWLEY**  
**April 17, 2018**

The City Council of the City of Brawley, California met in a regular session at 6:00 PM, City 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** @6:01 PM

**PRESENT:** Couchman, Hamby, Kastner-Jauregui, Nava  
**ABSENT:** Wharton

**CM Wharton** arrived at 6:46pm

Invocation was offered by **Mayor Nava**

Pledge of Allegiance was led by **CM Kastner-Jauregui**

**1. APPROVAL OF AGENDA**

The agenda was **approved** as submitted. m/s/c Couchman/Kastner-Jauregui 4-1 Wharton absent

**2. PUBLIC APPEARANCES/COMMENTS**

- a. **Dominic Fiorenza** is a member of Boys Scouts Troop 274 in Imperial. He is working on badge that requires attendance at a public meeting and public speaking. He introduced himself to the City Council and responded to several questions.

**3. SCHEDULED PRESENTATIONS**

- a. Brawley Cattle Call Rodeo Committee Update

**Curt Rutherford** stated that this last rodeo was very successful.

**Carson Kalin** provided an overview of how proceeds were used. The sum of \$11,000 was donated to the Claddagh Club, \$8,000 to Imperial County Sherriff's League and \$69,000 was paid in rent to the City of Brawley in the form of various improvements.

**Mayor Nava** presented a City Proclamation to Robin Williams and offered her a gift basket in honor of her service and commitment to the efforts of the Cattle Call Rodeo Committee.

**4. 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 submitted. m/s/c Kastner-Jauregui/Couchman 4-1 Wharton absent

**AYES:** Couchman, Hamby, Kastner-Jauregui, Nava  
**NAYES:** None  
**ABSENT:** Wharton  
**ABSTAIN:** None

- a. **Approved** Accounts Payable: March 30, 2018  
April 6, 2018
- b. **Approved** City Council Minutes: February 6, 2018
- c. **Adopted** Resolution No. 2018-18: Resolution of the City Council of the City of Brawley, California Amending Fiscal Year 2017/2018 City of Brawley Budget for the Fire Department in the Amount of \$62,411.90.

**5. REGULAR BUSINESS**

- a. Discussion and Potential Action to Approve the Sale and Consumption of Alcohol on City Property, Specifically North Plaza Park and City Streets, on April 21, 2018 from 5PM – 9PM for the Taco Showdown as Requested by the Brawley Chamber of Commerce.

The City Council **approved** the Sale and Consumption of Alcohol on City Property, Specifically North Plaza Park and City Streets, on April 21, 2018 from 5PM – 9PM, for the Taco Showdown as Requested by the Brawley Chamber of Commerce. m/s/c Couchman/Nava 3-0 Hamby naye and Wharton absent

- b. Discussion and Potential Action to Approve 1<sup>st</sup> Reading of Ordinance No. 2018- : Ordinance of the City Council of the City of Brawley, Amending City of Brawley Ordinance No. 438 Pertaining to Persons Authorized to Ride on Fire Apparatus.

The City Council **approved** the 1<sup>st</sup> Reading of Ordinance No. 2018-02: Ordinance of the City Council of the City of Brawley, Amending City of Brawley Ordinance No. 438 Pertaining to Persons Authorized to Ride on Fire Apparatus. m/s/c Kastner-Jauregui/Hamby 4-1 Wharton absent

- c. Discussion and Potential Action to Adopt a Social Media Status of Limited Public Forum for the City of Brawley.

**CM Hamby** stated that the social media platform would mostly likely be for information of events or happenings within the City. If someone makes an inappropriate comment, the status allows the comments to be pulled without violating the first amendment.

The City Council **adopted** a Social Media Status of Limited Public Forum for the City of Brawley. m/s/c Hamby/Couchman 4-1 and Wharton absent

- d. Discussion and Staff Direction re: Presentation by City Council Norms and Procedures Ad Hoc Committee.

The City Council Norms and Procedures Ad Hoc Committee was formed following a number of questions that arose with reference to the rotation of the mayor and mayor pro tempore roles. The Ad Hoc Committee consists of Council Member Norma Kastner-Jauregui and Mayor Pro-Tempore Donnie Wharton and aims to identify elements to be added or amended to City Council norms and procedures. Several meetings have since taken place at which the committee reviewed other agencies procedures. Several items have been identified as potential additions to the norms and procedures.

A PowerPoint presentation was reviewed by Council Member Kastner-Jauregui, a copy of which is on file with the Office of the City Clerk. In addition to the slide content, the following comments were made:

- i. **Role of City Council Members**  
It was clarified that the City Clerk is not appointed by the City Council. The City Clerk is elected. The City Clerk also serves in the staff role as the Records Administrator. The staff position reports to the City Manager.

- ii. **Service on Non-Profit Board of Directors & Conflicts of Interest**  
 Appointments to nonprofits are at times tied to a City assignment. Recusal versus non-participation needs to be further reviewed.
- iii. **City Council Conduct with the Media**  
 The City has had issues with this topic in the past.
- iv. **Council Member & City Manager & City Manager Communication**  
 The terminology of “outsiders” could benefit from clarification. The potential for Brown Act violations was noted. Phone communication was noted as acceptable. A Council Member Interaction Report would help to loop in all of the City Council Members. The intent is for all members to be briefed and have access to the same information.
- v. **Mayoral and Mayoral Pro Tem Selection and Rotation**  
 The position of Mayor follows a sequence based on (a) election date and (b) order of finish within each election. Example: 3<sup>rd</sup> place vote recipient in the 2015 would become Mayor before the top vote recipient of the 2017 election. There have been no exceptions made for seniority or for a first time Mayor Pro-Tempore.  
  
 The City of Del Mar example was noted. In that jurisdiction, the mayoral rotation is based on tenure or seniority on the City Council. The Council Member with the most tenure on the City Council will be placed first in the rotation of that group if no seniority exists. An appointed City Council Member is handled differently than an elected one. In the case of an appointment, rather than maintaining the position of that seat, the appointee goes to the bottom of the list of the rotation.
- vi. **Dais Seating Arrangements**  
 Further clarification is needed for the definition of the “higher seniority council member to the left of the outgoing mayor.” Reference to the “immediate past mayor” might be more helpful.

CM Kastner-Jauregui stated City Council feedback recommendations will be brought back as revised Norms and Procedures for further review.

- e. Discussion and Potential Action to Accept the City of Brawley’s Annual Planning Report and Status of the General Plan 2017.

The City Council **approved** the City of Brawley’s Annual Planning Report and Status of the General Plan 2017. m/s/c Kastner-Jauregui 5-0

- f. Discussion and Staff Direction re: Letter of Support for AB 1885 - California Resident Work Program and Economic Stabilization Act.

Item was **tabled** until additional information is provided.

- g. Discussion and Potential Action to Reschedule the Special City Council Meeting of May 15, 2018.

The City Council **approved** to reschedule meeting to Tuesday, May 29, 2018 starting at 4pm. m/s/c Nava/Kastner-Jauregui 5-0

**6. DEPARTMENTAL REPORTS**

- a. Reminder of Community Clean Up Day on April 28, 2018 from 7AM to 2PM at Brawley Municipal Airport by Guillermo Sillas, Public Works Director/ City Engineer

**7. CITY TREASURER REPORT** None to report.

**8. CITY COUNCIL MEMBER REPORTS**

a. Mayor Pro-Tem Donnie Wharton re: Volunteer Park Snack Bar A/C and Brawley Little League Concerns.

Communicated with the Little League members and some of the parents that are involved with the board. As the season was starting, they had an issue with the window not being able to close and be secured. Because it was broken and City Staff were responsive, the City was able to address that. Unfortunately, along with that, the air conditioning is now having a problem and we have some budget issues. The air conditioning is about 12 years old and an expenditure of a couple thousand dollars. One proposal to repair the current A/C at approximately \$2,000. But, it may make more sense to replace the A/C versus just repairing it.

**CM Bayon Moore** stated as it stands the Parks & Recreation budget is zeroed out for maintenance activities, supplies and materials. Expenses have only been booked through February. The City has several more months in the fiscal year. Staff is working to prepare a budget adjustment for the City Council's consideration that includes several emerging and time-sensitive improvements.

**Mayor Nava** asked if there is anything that can be done in the meantime. Mr. Green was trying to figure out how he could minimize some of the costs associated with the solution.

**CM Wharton** said the Little League Board is able to come up with some additional help to mitigate the cost. They are looking at just seeing if they can have temporary cooling, maybe a rented portable unit.

**CM Bayon Moore** stated they are cost sharing with the City on several of the improvements but after the window was addressed, other items have surfaced as needs. Staff is open to working on short term solutions and a longer term fix. Staff's concern with a temporary unit is it could walk off. The City is still working to address lockup of the facility with volunteers to ensure proper security. Staff will continue exploring an option that can be put in place right away at the cost of a few hundred dollars, which will buy a week's time for Council's consideration.

**CM Wharton** asked if there is a possibility for this to come back on the 23<sup>rd</sup>.

**CM Bayon Moore** stated maybe Little League could incur the cost and the City reimburse them which would encourage lock up the facility.

**Mayor Nava** requested Donnie Wharton communicate that option.

**CM Wharton** asked if the Lions Center pool heater is working.

**CM Bayon Moore** stated it is working. Marjo Mello has a quick update on what is occurring, some of the discussions that have taken place with the high school coach and some of their expectations.

**Interim Parks & Recreation Mello** stated that the expectation for the water temperature for the High School needs to be between 78° and 82°. There are two heaters but only one is working. The other one is not going to work until it is repaired or replaced. The working heater is trying to keep the water up at that heating level. Other organizations' minimum heat level is in the 65° range.

**CM Bayon Moore** said the Parks & Recreation Department has been a great beneficiary of Marjo's budget planning process. The department is closely tracking what it costs to really operate the department and meet the service levels that have been expressed as desirable by the Council. Unfortunately, the department budget is depleted and there are months remaining in the fiscal year. A future budget adjustment is headed to the City Council.

- Wharton:** Spent some time with Assembly Member Garcia, have been working with CM Kastner-Jauregui on the City Council Norms & Procedures Ad Hoc Committee. Met with CM Hamby and shared some ideas about the downtown.
- Hamby:** Attended the Library Board Meeting. Fielded questions from some concerned community members regarding parks scheduling issues and some dog nuisance issues.
- Kastner-Jauregui:** Attended the Anthony Garcia Foundation Annual 5K Run, the Caesar Chavez Celebration, visited Paddy's at the Rock and Inferno, met with Mayor Pro-Tempore Wharton. Continued working on Ad Hoc Committee presentation and still have a few things to address.
- Couchman:** Attended the Air Pollution Control District Advisory Committee Meeting, Chamber Mixer Ribbon-cutting at Monarch Iconography, Anthony Garcia Foundation 5K Run. Rotary will do a workday at Cattle Call Park on April 28<sup>th</sup> repainting the tables and stands and cleaning up with youth and Rotary members. This is an annual project that we do on an annual basis. Attended the Brawley Public Library Book Sale.
- Nava:** Attended the Mayor's Summit and took a tour of the West Port of Entry in Calexico, upcoming Public Safety Summit taking place in May, Caesar Chavez Celebration, Anthony Garcia Foundation 5K Run, Monarch Iconography Mixer. Daughter and wife participated in the Brawley Public Library LAMBS Bus open house. Thanked Brawley Public Library .

## **9. CITY MANAGER REPORT**

### **a. Update on Old Highway 111 / N. 8<sup>th</sup> Street Stakeholder Meeting**

With Kay Pricola's assistance, staff had the opportunity to sit down with stakeholders in the North 8<sup>th</sup> Street / Old Highway 111 corridor. It was a helpful information exchange from staff's point of view. Guillermo Sillas, City Engineer, joined the conversation.

Overall, several points were covered. There is a desire for more formality as it relates to planned utilization of relinquishment funds, in particular with reference to the 2.5M for North 8<sup>th</sup> Street and 6.5M for Main Street. The stakeholders want to ensure that the resources remain in that proportion. There was some exploration as to how that could be accomplished. It was requested that principal sums and accrued interest are formally established for each roadway segment.

There was also a great deal of interest in the assurance that once some work is performed on 8<sup>th</sup> Street, a maintenance plan is adopted and implemented. They would like to see the City commit to use of the funds that are for that purpose.

From their perspective, N. 8<sup>th</sup> Street needs attention as soon as possible. Staff had the opportunity to explain the typical process that begins with programming projects as part of strategic planning and budget discussions. Staff anticipates that a letter/s or attendance at the upcoming special and enterprise funds workshop are likely to advocate prioritization of the project.

Various ways to approach 8<sup>th</sup> Street were explored, including short term, midterm and longer term alternatives. It is clear that stakeholder interest is in having something done as soon as possible. While they entertained the description of the option to use relinquishment funds as match funds for a larger project description, the overwhelming opinion was improvements are needed now. Some expressed they are not planning to be around in 40 years or necessarily operate at these locations. The 30 or 40 year solution was not a shared goal.

The policy alternatives were described as well as the City Council's decision to weigh the pros and cons. Staff also explored how outsourcing might be able to expedite the process. The City is facing severe staffing challenges. In-house capacity to move projects is currently limited. Some projects are already in the queue and time sensitive with outside funding.

Outsourced design alternatives were explored. In general, the two scenarios were presented as a roughly estimated \$800,000 solution with a 10 to 15 year time horizon versus an \$8 million dollar 30-40 year solution.

The City Council has much to consider in the future along that stretch of Highway 111 with the Webster Ranch build out. Right now, the corridor is primarily agriculture. If it were to develop, the developer would be tasked with the same improvements that, if we went the route of a match and full-scale improvements, would relieve the burden. Highway 86 is an example. We have issues with businesses that want to site there because the vehicle trips make it a desirable location but the cost of developing the frontage are significant.

After the meeting, I did have an opportunity to speak at length with Guillermo Sillas, City Engineer. The City is likely to be delayed on the delivery of Phase 11 of LTA projects because the ARAM solution is not recommended for installation when temperatures are in excess of 100 degrees. It is possible that temperatures will delay implementation of that project until after September. The project is nearly ready to go from a bid document point of view. You might recall that Phase 11 is southeast Brawley street improvements, plus alley improvements between 1<sup>st</sup> and 2<sup>nd</sup> Street on the south side of Main.

If the City Council has an appetite for the 10-15 year solution, there is a window to bundle an overlay project with the LTA Phase 11 project. The bidding process would incorporate the short term solution for North 8<sup>th</sup> Street and enable the project to be accomplished before the end of the calendar year. Staff needs direction to move rapidly to prepare the bid specs to incorporate a geotech investigation of what is there, what needs to be there and what an ARAM solution could look like.

**Mayor Nava** asked if the alley improvements are still being considered?

**CM Bayon Moore** stated yes.

**Mayor Nava** requested that the 8<sup>th</sup> Street topic be added to the 23<sup>rd</sup> for discussion. Then, it could be on a future agenda for action. It is definitely appropriate to talk about it during the workshop.

**CM Couchman** stated he the City may need to move more quickly. Perhaps staff direction could be provided and a vote taken on the 23<sup>rd</sup>.

**CM Bayon Moore** stated staff could be directed to obtain a quote from a qualified consultant. The City Engineer has identified an option to use a party well acquainted with the roadway segment. If the fee is in excess of \$15,000, Council approval is required. This is the fastest to get across the finish line. The goal would be to get a quote for the roadway evaluation piece. If the consultant determines the state of the roadway is beyond an ARAM solution, staff will advise. The City would use relinquishment funds to secure the consultant and staff would prepare a budget adjustment for use of funds already on deposit with the City. Once the engineering solution is identified and ARAM is confirmed as an option, piggyback on the LTA project is possible. The bid documents that are currently LTA Phase 11, plus the alley, would be expanded to include 8<sup>th</sup> Street.

**PWD Sillas** mentioned that dollar values referenced are a very rough estimate. It is based on the type of rehabilitation that preliminary conversations with other technical experts have suggested. This type of project will be quick and durable and less expensive than the full reconstruction. Further investigation is needed to better understand the structural section and provide a recommendation based on the current condition of the roadway traffic load.

**CM Couchman** restated that the City Council has given staff the direction to proceed.

b. Other Topics

**CM Bayon Moore** stated that the required testing at Brawley Mobile Home Park is now complete. Demo will commence shortly. Attended the Dispatcher Appreciation Dinner last Friday. It was a chance to celebrate the work they do behind the scenes. It was a nice gathering and a way to show support for our dispatchers.

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

**10. CITY CLERK'S REPORT** None to report.

**11. CLOSED SESSION**

POTENTIAL LITIGATION (C.G.C. Section §54956.9)

a. Conference with Legal Counsel - One (1) Case

**ADJOURNMENT** @ 7:40pm

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***Alma Benavides***, City Clerk