

**CITY OF BRAWLEY**  
**June 19, 2018**

The City Council of the City of Brawley, California met in 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, Wharton  
**ABSENT:** None

Invocation was offered by **Victor Padilla, Victory Outreach**

Pledge of Allegiance was led by **Mayor Nava**

**1. APPROVAL OF AGENDA**

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

**2. PUBLIC APPEARANCES/COMMENTS**

- a. **John Garcia, District Representative for Senator Ben Hueso**, introduced himself to the City Council, Staff and Members of the Community.
- b. **Rosa Ramirez, Finance Director**, introduced Senior Accounting Assistant Bethsabe Ordonez.
- c. **Marjo Mello, Brawley Public Library Director**, introduced the Brawley Women’s Club of Brawley, an entity that is now defunct. President Tiffany Hensley of the Brawley Women’s Club presented a check to the Brawley Public Library in the amount of \$1,740.74.

**Mayor Nava** presented the Brawley Women’s Club with a Certificate of Appreciation. A plaque will be displayed at the Brawley Public Library at a future date.

- d. **Shirley Moreno Rodriguez of Republic Services** updated the Council with the 2018 Spring Community Cleanup and announced the Fall Cleanup set for October 13, 2018.

**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 submitted. m/s/c Kastner-Jauregui/Wharton 5-0

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

- a. **Approved** Account Payables: June 1, 2018  
June 7, 2018
- b. **Adopted** Resolution No. 2018-32: Resolution of City Council of the City of Brawley, California Authorizing Designated Persons and/or Positions as Authorized Signatories on Behalf of the City of Brawley for Imperial Irrigation District.

**4. REGULAR BUSINESS**

- a. Approve Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California Appointing Qualified Elector to Serve as Treasurer and Combining the Office of Treasurer With the Office of City Finance Director Upon the Expiration of the Current Term of Office and Converting the Office of Treasurer from an Elected Office to an Appointed Office Upon the Expiration of the Current Term of Office.

**CM Hamby** stated concern and wish to seek community volunteers with a finance background to apply. It would provide for checks and balances. Thanked the City Attorney for stepping up.

**Mayor Nava** indicated that in the City previously advertised. Only one applicant stepped forward to fill this role. This is a temporary position at this point in time. He expressed interest in a person filling the position immediately.

The City Council **approved** Resolution No. 2018-33: Resolution of the City Council of the City of Brawley, California Appointing Qualified Elector to Serve as Treasurer and Combining the Office of Treasurer With the Office of City Finance Director Upon the Expiration of the Current Term of Office and Converting the Office of Treasurer from an Elected Office to an Appointed Office Upon the Expiration of the Current Term of Office. m/s/c Kastner-Jauregui/Couchman 4-1 Hamby Naye

- b. Discussion and Potential Action to Approve Contract Change Order No. 2 for Contract No. 2018-01: Hinojosa Park ADA Improvements in the Amount of \$83,510.54 to Masters Construction.

The City Council **approved** Contract Change Order No. 2 for Contract No. 2018-01: Hinojosa Park ADA Improvements in the Amount of \$83,510.54 to Masters Construction. m/s/c Couchman/Hamby 5-0

- c. Discussion and Potential Action to Approve Contract Change Order No. 1 to Contract No. 2018-02: Senior Center Project in the Amount of \$66,858.85 to George Mitchell Builders.

The City Council **approved** Contract Change Order No. 1 to Contract No. 2018-02: Senior Center Project in the Amount of \$66,858.85 to George Mitchell Builders. m/s/c Kastner-Jauregui/Couchman 5-0

- d. Discussion and Potential Action to Adopt 1<sup>st</sup> Reading of Ordinance No. 2018- : Ordinance of the City Council of the City of Brawley, California Amending the Parking in Unimproved Areas.

The City Council **approved** 1<sup>st</sup> Reading of Ordinance No. 2018-03: Ordinance of the City Council of the City of Brawley, California Amending the Parking in Unimproved Areas. m/s/c Wharton/Hamby 5-0

- e. Discussion and Potential Action to Adopt Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California Adopting the Health Insurance Allowance Verification Policy.

The City Council **approved** Resolution No. 2018-34: Resolution of the City Council of the City of Brawley, California Adopting the Health Insurance Allowance Verification Policy. m/s/c Kastner-Jauregui 5-0

- f. Discussion and Potential Action to Adopt Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California Adopting a Set Probationary Period for Employees Not Represented by a Bargaining Unit.

The City Council **approved** Resolution No. 2018-35: Resolution of the City Council of the City of Brawley, California Adopting a Set Probationary Period for Employees Not Represented by a Bargaining Unit. m/s/c Wharton/Hamby 5-0

- g. Discussion and Potential Action to Approve the Agreement with David Taussig and Associates for Mello-Roos Special Tax Administration Services for the City's Community Facilities Districts (CFDs) Nos. 2005-1, 2005-2, 2005-3, 2005-4, 2006-1, 2007-1, and 2007-2 for a Fee Not to Exceed \$29,500.

The City Council **approved** the Agreement with David Taussig and Associates for Mello-Roos Special Tax Administration Services for the City's Community Facilities Districts (CFDs) Nos. 2005-1, 2005-2, 2005-3, 2005-4, 2006-1, 2007-1, and 2007-2 for a Fee Not to exceed \$29,500. m/s/c Kastner-Jauregui/Couchman 5-0

- h. Discussion and Potential Action to Adopt Resolution No. 2018- : Resolution of the City Council of the City of Brawley, California Amending the Fiscal Year 2017/18 Budget for Parks & Recreation.

The City Council **approved** Resolution No. 2018-36: Resolution of the City Council of the City of Brawley, California Amending the Fiscal Year 2017/18 Budget for Parks & Recreation. m/s/c Couchman/Kastner-Jauregui 5-0

- i. Discussion and Potential Action to Approve a Continuing Resolution to Honor Expenditures of the FY 2017-18 City of Brawley Overall Budget Prior to Adoption of the FY 2018-19 Overall Budget.

The City Council approved Resolution No. 2018-37: Resolution of the City Council of the City of Brawley, California to Approve a Continuing Resolution to Honor Expenditures of the FY 2017-18 City of Brawley Overall Budget Prior to Adoption of the FY 2018-19 Overall Budget. m/s/c Kastner-Jauregui/Nava 4-1 Hamby Naye

- j. Discussion and Potential Action re: City Council's Summer 2018 Public Meeting Schedule.

The City Council **approved** the cancellation of the August regularly scheduled meetings and advised staff that if unanticipated time sensitive business arises, a meeting date can be established.

**6. DEPARTMENTAL REPORTS** None to report.

**7. CITY COUNCIL MEMBER REPORTS**

**Wharton:** Has continued to have meetings re: the Airport.

**Couchman:** Attended the Branding Iron Award Dinner at Stockmen's Club. Congratulated Erasmo Gonzalez for being honored. CM Kastner-Jauregui and he met with Dr. Figueroa regarding a potential clinic in Brawley. Attended Barbara Worth Junior High Graduation and visited Holtville High School to hand out scholarships.

**Kastner-Jauregui:** Attended Brawley Union High School Graduation, met with Dr. Figueroa along with CM Couchman. Attended Branding Iron Award Dinner.

**Hamby:** Attended the Planning Commission Meeting. Traveled to Haiti for almost a week to continue work at an orphanage. It was a productive and safe trip. Expressed regrets for missing the Parks & Recreation Commission meeting.

**Nava:** Attended the Branding Iron Award Dinner. Congratulated Erasmo Gonzalez. Attended other meetings throughout the community. There is some interest in the Downtown Area and he hopes to bring some news forward in July.

**8. CITY MANAGER'S REPORT**

- a. Code Enforcement Officer has been extremely active which translates to some unwelcome visits from City personnel. Staff are doing their best to work cooperatively with property owners who are violators.

- b. Community input and dialogue is expected re: the Conditional Use Permit Application which will be part of a Planning Director's public hearing that involves a Behavioral Health Clinic on Main Street in downtown Brawley. .
- c. Shared examples of what will be placed in the Utility Billing this month as inserts regarding Fireworks Education. Safe & Sane Fireworks are only sold from the 28<sup>th</sup> of June to the 6<sup>th</sup> of July, generally the hours for use of Safe & Sane Fireworks are from 9am to 11pm.

**Mayor Nava** suggested that at the bottom of the page add in bold message "see reverse side".

**CM Hamby** asked about the fine with Interim Police Chief Brown that was mentioned about tying the fine to the property owner from which the illegal fireworks are being shot from.

**CA Smerdon** stated that the crime is to possess it and somebody has to shoot it off, that's the one that's guilty of the crime, that's the problem with trying to enforce illegal fireworks, somebody has to see it occur and for the Police Officer to cite, he has to see it occur otherwise it has to be a citizen's arrest. You can't just tie it to a property owner for instance Mr. Krutzsch owns multiple properties is he viable of one of his tenants wrong doing.

**CM Hamby** said I think the language that Interim Police Chief Brown used was something like a tenant or property owner whoever resides in the property.

**CA Smerdon** stated I don't believe our Ordinance provides for rights for an individual City to do it.

**Mayor Nava** commented that this is probably the greatest effort that has been made, that's why I want to make sure that the message gets out there with respect to reporting that may just be enough to prevent many of the occurrences. I know that we've had an issues building over the past years but we haven't necessarily addressed the topic and I think this is the first good step in that direction. I'm in agreement if there's a way to enforce something in the future I know we're probably limited with what we can do but certainly getting the message out there for people to call.

**CA Smerdon** said what is critical is that people need to understand that if you see somebody do it you need to be able to tell the Police Officer, I saw that person do it, and sign the citizen's arrest the Police Officer can't cite unless he sees it.

**CM Couchman** said I'm not sure we are going to arrest a large numbers of persons, I'm not sure if we are going to even cite a large number of people but I think where its continuing to occur is ongoing for a period of time longer than that one holiday, I think we have to do something to try to enforce that a little bit better and I think that's really what you're looking at, also I'm not so sure with the property owner or tenant unless you can identify that they were the ones that actually committed the crime, there's a possibility that will happen but don't see that happening very often, what we want to do is quite the amount, try to identify those people that are ongoing and continuing that beyond the scope of responsibility and try to stop the illegal fireworks.

**CM Wharton** stated I think the biggest determination at this point for us, we talked about this is there's enough vigilance but I think maybe as CM Hamby put it, there's enough of us out there and you want the bad person or the perpetrator of this crime basically to know that people are watching. So I think the key is I don't know if it's too late, if we can even squeeze in with the help of some of our media partners to even a one-minute video something similar to what we did with graffiti even almost a Facebook live format and with our City Attorney just reiterating.

**Mayor Nava** said those are some good points, we did do a message using local media on graffiti and it worked. I'll think of a few ideas and then if I can get the flyer I can work on it. I will be on the radio tomorrow and will also mention this.

- d. Asked if meeting of July 3<sup>rd</sup> is still going to be held.

**Mayor Nava** stated yes.

**9. CITY ATTORNEY'S REPORT**

- a. Prosecuting Mr. Mario Diaz from Valley Lube for a default on a loan.

**10. CITY CLERK'S REPORT**

- a. Reminder of Vacancies on the Boards/Commissions and Committees.

**11. CLOSED SESSION**

- a. EXISTING LITIGATION  
(C.G.C. Section §54956.9)  
Conference with Legal Counsel - One (1) Case  
Name of Case: Garcia v. City of Brawley
- b. POTENTIAL LITIGATION  
(C.G.C. Section §54956.9)  
Conference with Legal Counsel - Two (2) Cases
- c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (C.G.C. Section §54956.8)  
Property: Airport Administration Hanger  
Agency Negotiator: City Manager  
Negotiating Parties: City of Brawley and Imperial Flying Service, Inc.  
Under Negotiation: Extension of lease

**ADJOURNMENT @ 7:45 PM**

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**Alma Benavides**, City Clerk