

CITY OF BRAWLEY
October 1, 2019

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.

Mayor Wharton called meeting to order @ 6:00 PM

PRESENT: Couchman, Hamby, Kastner-Jauregui, Nava, Wharton
ABSENT: None

INVOCATION CM Hamby

PLEDGE OF ALLEGIANCE CM Couchman

APPROVAL OF AGENDA

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

1. PUBLIC APPEARANCES/COMMENTS (Not to exceed 4 minutes) this is the time for the public to address the Council **on any item not appearing on the agenda** that is within the subject matter jurisdiction of the City Council. The Mayor will recognize you and when you come to the microphone, please state your name for the record. You are not allowed to make personal attacks on individuals or make comments which are slanderous or which may invade an individual's personal privacy. **Please direct your questions and comments to the City Council.**

- a. **Proclamation** Declaring the Week of October 6-12, 2019 as 4-H Week presented to Magnolia, M & M and Mulberry 4-H Clubs.
- b. **Proclamation** Declaring the Week of October 6-12, 2019 as Fire Prevention Week presented to Interim Fire Chief Mike York.
- c. Introduction of Police Officers **Susana Chin** and **Adam Moreno** and Reserve Police Officer **Steven Gonzalez** by Police Chief Robert Sawyer.
- d. **Kay Pricola, COLAB Executive Director** extended an invitation to the City Council to attend a Robert's Rules of Order Workshop to be held on Friday, October 25th, from 9:30am to 11:30 am at the Ag Center in Imperial. It is a 2 hour workshop and limited to 20 attendees.
- e. **Dana Mendoza**, Representative for the Cattle Call Queen Royalty Association provided an update on a misunderstanding. Use of the arena was scheduled but a couple of issues arose with the rain, standing water and equipment delivered. Because of this situation, the Cattle Call Rodeo Committee informed that the that the arena will not be ready for use. The arena is currently closed with posted signage. Thanks to Mr. Dale Griggs who graciously offered his facility as an alternative, the horsemanship portion of the competition will take place elsewhere.

2. 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 Nava/ Kastner-Jauregui 5-0

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

- a. **Approved** Accounts Payable: September 20, 2019 and September 27, 2019
- b. **Approved** City Council Minutes: September 3, 2019
- c. **Approved** 2nd Reading and Adoption of Ordinance No. 2019-03: Ordinance of the City Council of the City of Brawley, California Amending the City of Brawley Fireworks Ordinance.
- d. **Approved** 2nd Reading and Adoption of Ordinance No. 2019-04: Ordinance of the City Council of the City of Brawley, California Establishing Fire Department Emergency Medical Services (EMS) Cost Recovery.

3. REGULAR BUSINESS

- a. Discussion and Potential Action to Adopt City Council Resolution No. 2019- : Resolution of the City Council of the City of Brawley Approving the Pledge Agreement and Issuance of Refunding Bonds.

The City Council **adopted** Resolution No. 2019-46: Resolution of the City Council of the City of Brawley Approving the Pledge Agreement and Issuance of Refunding Bonds. m/s/c Nava/Kastner-Jauregui 5-0

- b. Discussion and Potential Action re: Inferno’s Request to Sell and Consume Alcohol on Plaza Street for a Special Event that Begins November 8, 2019 at 5PM and Ends November 9, 2019 at 1AM.

The City Council **approved** Inferno’s Request to sell and Consume Alcohol on Plaza Street for a Special Event that begins November 8, 2019 at 5pm and ends on November 9, 2019 at 1am. m/s/c Nava/Couchman 4-1 Hamby naye

- c. Discussion and Potential Action re: Brawley Chamber of Commerce’s Request to Sell and Consume Alcohol on Main Street and Plaza Park for Mariachi Night on November 6, 2019 from 6PM to 11PM.

Marjo Mello, Interim Parks & Recreation Director stated there was an oversight on the time what is being considered. The action item will consider whether to approve the difference between 10pm and 11pm for Mariachi Night.

Katie Luna, Executive Director Brawley Chamber of Commerce stated it is a work and school night. The event is once per year. Every year, ways to improve and be more efficient are considered. The Chamber wants to make sure everyone has a good time. Everyone in the valley looks forward to Mariachi Night. In 2017, it was an eye opener for the Chamber when a media person was hired to take footage. It was used to identify improvements for safety and efficiency. Last year, one of the improvements involved spacing of the event. A total Plaza shutdown was accomplished to ensure safety for those who are walking during this event. The timing of the event is an issue. Vendors are given four hours of setup and one hour of cleanup. The time to clean up properly before we re-opening the roads was not possible. This year, the Chamber seeks an event time from 6pm to 11pm with the road to open at 1am. The event is publicly promoted from 6pm to 10pm. The 11pm ending time allows more time for attendees who need 30 to 45 minutes to finish what they are doing and leave the area. In the past, people are

abruptly pushed out. A later ending time provides a 30 minute wind down period for people to finish their last bites of food and last drinks and then move out. When the entertainment ends, people start to move out on their own. However, the natural flow of people at the event and the structure of efforts around people leaving, also included people in line for their last taco or hotdog because they had a lot to drink. The Chamber's intent is to stop selling at 10pm. If a person with tickets is in line at 10pm that we will still be able to sell to them.

Rusty Garcia, stated that if it is announced in advance that beer sells end at 10 pm and signs are placed around the garden, people with tickets will redeem them before 10pm.

Police Chief Sawyer stated that ABC requires that at the time the permit ends that all serving and consumption and so forth cease. If the permit was for 10pm, all activity would have to end prior to 10pm. If people are in line waiting with their pre purchased tokens or tickets, they would not be able to be served. The extension could provide a buffer for the sale of alcohol to end at 10pm but with the people waiting in line able to still be able to obtain what they already purchased and be served.

The City Council **approved** Brawley Chamber of Commerce's Request to sell and Consume Alcohol on Main Street and Plaza Park for Mariachi Night on November 6, 2019 from 6pm to 11pm. m/s/c Nava/Couchman 4-1 Hamby naye

- d. Discussion and Potential Action to Award Contract for Project No. 2019-05 Legion Street Improvements Project from State Highway 86 to Evelyn Avenue to Pyramid Construction and Aggregates, Inc. in an Amount of \$728,776.00

The City Council **approved** action to Award Contract for Project No. 2019-05 Legion Street Improvements Project from State Highway 86 to Evelyn Avenue to Pyramid Construction and Aggregates, Inc. in an amount not to exceed \$728,776.00. m/s/c Couchman/Hamby 5-0

- e. Discussion and Potential Action regarding Streets Rehabilitation Phase 11 Project as follows:
 - i. Approve Change Order No. 2 for Contract No. 2018-05 in an Amount Not to Exceed \$607,395.00 to Aggregate Products, Inc.
 - ii. Authorize Amendment No. 1 with LC Engineering Consultants, Inc. for Construction Management Services in an Amount Not to Exceed \$18,375.
 - iii. Authorize Amendment No. 1 with Sierra Material Testing and Inspection for Geotechnical Testing Services in an Amount Not to exceed \$5,090.
 - iv. Authorize the Charging of Actual Staff Time to Imperial County for Project Administration in an Amount to be Determined.

The City Council **approved** i) Change Order No. 2 for Contract No. 2018-05 in an amount not to exceed \$607,395.00 to Aggregate Products, Inc. ii) Amendment No. 1 with LC Engineering Consultants, Inc. for Construction Management Services in an amount not to exceed \$18,375 iii) Amendment No. 1 with Sierra Material Testing and Inspection for Geotechnical Testing Services in an amount not to exceed \$5,090 and iv) the charging of actual staff time to Imperial County for Project Administration in an amount to be determined. m/s/c Couchman/Kastner-Jauregui 5-0

4. INFORMATIONAL REPORTS

- a. Record of Building Permits for August 2019 in the City of Brawley, Prepared by Oscar Escalante, Interim Building Official.

5. DEPARTMENTAL REPORTS

- a. Monthly Staff Report for October 2019, Prepared by Shirley Bonillas, Personnel & Risk Management Administrator.
- b. Guillermo Sillas, City Engineer/Public Works Director
 - i) Emergency Construction at the Brawley Water Treatment Plant 1) to Replace Components of Two Sedimentation Basins and 2) to Recondition Water Distribution Pumps and Motors 422 and 423.

Finish water pump 422 was removed and transported by BRAX Company to their site on September 12, 2019. Some of its components have been removed and new Sulzer bowl assemblies and 410 SS impellers have been ordered. Everything is going according to schedule.

- ii) Emergency Installation of Traffic Signal at Cesar Chavez and Main Street

On September 13, 2019, St. Francis Electric's crew completed the installation of the Temporary Traffic Signal Cabinet at Main Street and Cesar Chavez St. The detecting loop at Northbound Cesar Chavez is damaged and is not detecting. St. Francis Electric was asked for a quote to repair the loops. Since this is a separate area of expertise, they have to subcontract it out. They provided a quote of \$7,500 to install the loops, but the controller has to be reprogrammed. The loops will be cut and installed next week. Northbound Cesar Chavez will remain as is until the permanent cabinet arrives. The technician will then do the programming. St. Francis Electric expects the permanent cabinet to arrive by the end of November.

- iii) Allen Street

Public Works Staff has completed the plans up to 95%. Since the street is populated and there is a lot of sensitivity with the existing water line, internal discussions have centered around the potential for an above ground temporary line. The line would provide continuous water to residents and allow the contractor to work freely on the street without the risk of another water break. Plans and the sequence of the construction will be modified which may be more expensive but it is more secure approach. Residents can also be assured that they won't be without water. There may be some reduced pressure but it is not expected to be significant because the line will be about two inches in diameter (instead of the current six inches). With demolition and heavy equipment, the risk of breaking the line is significant. The plans and specifications will be finalized to reflect this change in approach.

- c. Report on Parks & Recreation Commission's Request to Install a Portable Backstop at Jeff Thornton Park from January to June Annually and Request for Staff Direction.

Marjo Mello, Interim Parks & Recreation Director reported that Parks & Recreation has fielded calls about the danger of balls rolling onto the street, especially Legion Road when people play catch and practice. Staff took a closer look at the beginning of softball season. A backstop was placed as a temporary measure to help. Then, there were several complaints and it was removed the same day. The two main concerns were the aesthetics because it was an aged, bright blue rehabilitated backstop and the other was the use of that particular park and whether it was appropriate for a neighborhood park.

The Parks and Recreation Commission discussed the backstop, aesthetics and safety concerns. At an agenda meeting, they unanimously voted to recommend that a portable backstop be placed at Jeff Thornton Park from January thru June each year. The main purpose is for safety when families and individuals play catch or when practice batting. It was also emphasized that the purpose of this backstop is for only personal recreational use and safety. No fields are requested to be created. No pitcher's mound, bases, or field is to be established. The Parks and Recreation Department will not schedule any practices or games during the softball season. The intent is for safety when families or individuals practice.

Parks and Recreation Commissioners Jenny Benavides and Julio Jauregui voiced their concerns.

The item was tabled to a future meeting.

6. CITY COUNCIL MEMBER REPORTS

Hamby: Attended League of Cities Dinner and Public Utility Commission Meeting. Performed for NoCCA at Stockmen’s Club. 4-H Club impacted my life and formed who I am today. Received calls from community members with concerns which were passed to the City Manager. Received a thank you call for pushing to get some railroad crossings repairs.

Couchman: Attended NoCCA Performance, League of Cities Dinner, Citizens Solar Energy Program/IID in Calipatria with CM Kastner-Jauregui and COLAB Dinner. Will participate tomorrow in Walk to School with Phil Swing children. Commended City employees for their work.

Nava: Attended ICTC Meeting and a celebration in honor of Kathi Williams’ retirement, Annual Casino Night for the Cancer Resource Center of the Desert and the Hemp Summit, which was well attended.

Kastner-Jauregui: Attended League of Cities Dinner, Citizens Solar Energy Program/IID. Had a photo opportunity with Joseph Kennedy II who started the company and is looking into helping with the Salton Sea Project. Met with a local nonprofit Executive Director that is interested in furthering a contract with the organization. Had some community concerns which were shared with the City Manager. Thanked City Staff for being responsive.

Wharton: Attended COLAB Dinner, League of Cities Dinner, had a brief meeting with the Cattle Call Committee, had an opportunity to attend a lunch hosted at NAF with Commanding Officer Alfonso. Los Cabos is opening soon and it’s that time of year to buckle up for lots of work and events thru November.

7. CITY MANAGER REPORT Nothing to report.

8. CITY ATTORNEY REPORT Nothing to report.

9. CITY CLERK REPORT Nothing to Report.

10. CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (C.G.C. Section §54956.8)

- a. APN: 049-022-013
Agency Negotiator: City Manager
Negotiating Parties: Mehboob Ghulam, MD
Under Negotiation: Rate and Terms

- b. Address: Lots 8 and 9, Block 78, Townsite of Brawley, in the City of Brawley, County of Imperial, State of California, according to Map No. 920 on file in the office of the County Recorder of San Diego County, a copy of said Map being on file in the office of the County Recorder of Imperial County
Agency Negotiator: City Manager
Negotiating Parties: William A. Haendiges
Under Negotiation: Rate and Terms

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

- a. Conference with Legal Counsel – Five (5) Cases

CONFERENCE WITH LABOR NEGOTIATOR (C.G.C. §54957.6)

- a. Agency Designated Representative: Rosanna Bayon Moore, City Manager Employee Organizations:
Teamsters

ADJOURNMENT @ 8:25pm

Alma Benavides, City Clerk