

CITY OF BRAWLEY
August 22, 2019

The City Council of the City of Brawley, California met in special session at 4:00 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 @ 4:00 PM

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

INVOCATION CM Hamby

PLEDGE OF ALLEGIANCE CM Norma Kastner-Jauregui

APPROVAL OF AGENDA

The agenda was **approved** as submitted. m/s/c Nava/Couchman 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. City of Imperial Mayor Robert Amparano re: 9/11 Challenge

Mayor Amparano presented a video on behalf of the 9/11 Stair Climb Memorial Committee. The event will take place on Saturday, September 7, at the IV Fairgrounds. Event starts at 6:30 PM and the Stair Climb at 8:00 PM. He challenges all elected officials to participate in this event.

b. Introduction of Dr. Richard Rundhaug, Brawley Elementary School District Superintendent

Dr. Richard Rundhaug, newly appointed BESD Superintendent, introduced himself. Stated he appreciates the opportunity to work with government entities. He has met with the City Manager, Police Chief and Interim Fire Chief. He is happy to see the offerings at the Lions Center Pool for swimmers, pleased to be in Brawley, and is looking forward to a great experience as the BESD Superintendent.

c. Introduction of Chief WTP Operator Ricardo Arquelles, Assistant Streets & Utilities Supervisor Bobby Limon, Dispatcher Ruben Villareal and LAMBS Driver/Clerk Ruben Rivera.

Guillermo Sillas, Public Works Director introduced newly appointed Chief Water Treatment Plant Operator Ricardo Arquelles and Assistant Streets & Utilities Supervisor Bobby Limon.

Robert Sawyer, Police Chief introduced newly appointed Dispatcher Ruben Villareal.

Shirley Bonillas, Personnel Risk & Risk Management Director introduced newly appointed LAMBS Driver/Clerk Ruben Rivera on behalf of the Library Director Marjo Mello.

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/Couchman 5-0

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

- a. **Approved** Accounts Payable: July 11, 2019, July 12, 2019, July 19, 2019, July 26, 2019, August 2, 2019, August 9, 2019 and August 16, 2019 .

3. REGULAR BUSINESS

- a. Discussion and Potential Action to Approve a Public Convenience & Necessity Determination for Los Cabos Seafood located at 132 South Plaza Street.

CM Bayon Moore stated that Mr. Pedro Luera could not be present tonight. The restaurant is seeking a Type 41 ABC License that allows for the on premises Sale and Consumption of Beer and Wine.

The City Council **approved** a Public Convenience & Necessity Determination for Los Cabos Seafood located at 132 South Plaza Street. m/s/c Nava/Kastner-Jauregui 4-1 Hamby naye

- b. Discussion and Potential Action to Approve the Brawley Chamber of Commerce’s Request to Sell & Consume Alcohol at 2019 Cattle Call Events.

CM Bayon Moore reviewed the lineup for Cattle Call events scheduled on November 2, November 6, and November 9, 2019, primarily located on Main Street and North/South Plaza Park.

The City Council **approved the** Brawley Chamber of Commerce Request to Sell & Consume Alcohol at 2019 Cattle Call Events. m/s/c Nava/Couchman 4-1 Hamby naye

- c. Discussion and Potential Action to Approve Chelsea Investment’s Request to Assess Tier III Development Impact Fees and Tier V Water and Sewer Capacity Fees for La Serenita Apartments at 1598 C Street in Adams Park.

CM Bayon Moore, said that Chelsea Investment Corporation is actively seeking funding for Phase 2 and has requested that the City of Brawley pledge its commitment to affordable housing development by furnishing a letter of support that will competitively position the project for funding.

The City Council **approved** Chelsea Investment’s Request to Assess Tier III Development Impact Fees and Tier V Water and Sewer Capacity Fees for La Serenita Apartments at 1598 C Street in Adams Park. m/s/c Nava/Kastner-Jauregui 5-0

- d. Discussion and Potential Action to Approve Letter of Support for SB558: Commission on California-Mexico Affairs as Requested by Mayor Pro-Tempore Norma Kastner-Jauregui.

Mayor Pro-Tempore Kastner-Jauregui reported that both Senator Hueso and Assemblymember Garcia are seeking a letter of support from the City Council or individually in reference to SB558: Commission on California-Mexico Affairs.

The City Council **directed** staff to bring back information on who supports the proposed legislation and return to a future meeting with additional background information.

4. PUBLIC HEARING

- a. Annual Review of City of Brawley User Utility Tax

Staff Report – Tyler Salcido, Finance Director

The purpose of the Utility User Tax is to raise revenues for the general governmental purposes of the City. All of the proceeds from the UUT imposed are placed in the City's General Fund. The tax levied is on the utility services of Telephone, Electricity, Gas, Water, Sewer, Trash and Cable Television. The current tax imposed on these utilities is 4%. The revenue generated and deposited into the General Fund maintains city public services, including, but not limited to police, fire, administration, library and parks and recreation. The voters last extended the UUT on November 8, 2017 with an expiration date of May 31, 2023.

CM Hamby asked if it expires in 2023, what is the reason for possible ballot placement in 2020.

CM Bayon Moore stated that the City has historically preserved two election cycles for renewal. In other words, if the City Council so acted, it could run on the 2020 ballot and then if it failed, it could be tried again in 2022 before it expires. The Utility Users Tax has to be considered by voters at the same time as a local municipal election. The Fiscal Year 2019/2020 estimates \$1,880,000 in UUT revenues.

OPEN HEARING @ 4:59PM

No comments were received

CLOSED HEARING @ 5:00 PM

The City Council **accepted** the Annual Review of the City of Brawley's Utility Tax

5. INFORMATIONAL REPORTS

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

6. DEPARTMENTAL REPORTS

- a. Personnel & Risk Management Department - Monthly Staffing Report for August 2019.
- b. Update on Emergency Construction at the Brawley Water Treatment Plant to Replace Components of Two Sedimentation Basins, Traffic Signal at Cesar Chavez and Main Street by Public Works Director Guillermo Sillas, PE.

1. Contractor is expecting to receive the drawings from the manufacturer. Once they are received, they will go to the field to verify the measurements and order the parts for installation after the summer season. About October, they will be rehabilitating the first pond and then testing and addressing the second pond.
2. As previously informed, staff has been in negotiations to secure the services of a company to perform the traffic signal repair job at Main and Cesar Chavez. The problem that caused the short circuit and damaged the cabinet has been identified as involving the wiring on the pedestrian signals. The vendor is scheduled to rewire the elements, install the full system and, at the same time, eliminate the potential risk of failure in the future.

7. CITY COUNCIL MEMBER REPORTS

Hamby: Attended the swearing in for the new PD Dispatcher, AT&T charitable event held at House of Bread Ministries. Stated he wished to clarify a point in regards to Los Cabos Seafood and the no vote on the alcohol license. It was educational to look at the statistics for alcohol licenses in California in cities similar to the size of Brawley. Brawley has the 4th highest licenses. As for convenience and necessity, Inferno is nearby with the same offerings. No vote is not a statement about what Los Cabos Seafood is going to do in the way of business and providing good food for the community.

Couchman: Returned to town and noticed a lot of mud everywhere due to a broken water line near his home. Commended staff for working in extreme heat. Schools are back in session. He expects more activities in September.

Nava: Received a number of complaints. Thanked the City Manager for helping through some of those issues and Republic Services. Regarding the Housing Development off of Best Road, there may be some things in motion in the near future but at the very least code enforcement is needed. There is a lot of vandalism and it is a tremendous eyesore. Participated in an IVEDC Executive Committee meeting on the City's behalf. The Hemp Conference will be taking place soon and he is working with Mayor on an event in Downtown Brawley, in conjunction with friends in Glamis for some time in mid-October.

Kastner-Jauregui: Attended the presentation by Assemblymember Garcia where he acknowledged the efforts of Comite Civico in regards to the passage of AB743. Also attended the Small Business of the Year celebration at the Town Pump. Attended a roundtable on a parks bill they basically talked about grants available for the whole State of California but there were representatives from Sacramento. Wanted to get information on what types of monies are available for Brawley parks. Was unable to attend the Ribbon Cutting for Reil Vintage but went in to visit and introduced herself. Attended a meeting with City Manager regarding the Census and Brawley.

Wharton: Investing a lot of time in the Upcoming Dove Hunting Opening Day for Wounded Warriors. Working with a group to help facilitate for some who have been coming for a number of years now. It is more or less an all-expense paid experience to come out and enjoy opening day. He is working bring a preseason pre-off road event to downtown,

targeting a weekend in October that will precede the Big Polaris event that happens every year out in Glamis. It attracts tens of thousands of people that come from outside the Valley to enjoy the dunes. Visited the new Marsh & Ash that opened in Imperial.

8. CITY MANAGER REPORT

a. Update on Brawley Complete Count Committee

Had the first kickoff meeting of the Brawley Complete Count Committee and extended invitations to Brawley Elementary School District, Brawley Union High School District, Clinicas de Salud del Puelo, Pioneers Memorial Healthcare District, Comite Civico, Campesinos Unidos and couple of others, including State and Federal Representatives who are heading up complete count efforts and outreach. A small but mighty group gathered with a lot of ideas and willingness to use mechanisms and organizations to push messaging like electronic message boards, robo calling, to integrate collective strategies.

Mayor Pro Temp Kastner Jauregui was able to join as were County representatives who are offering funding opportunities to cities based on population. The dollars are divided amongst incorporated and unincorporated and then individual cities. Brawley is eligible for approximately \$11,000 to \$12,000 in total. The application deadlines are fast approaching. The City is encouraging local nonprofit stakeholders to take the lead. The outcome in a Census matters to the City and affects the entire community. Census outreach activities are limited until March 2020.

CM Kastner-Jauregui stated that \$12,000 won't reach very far and does not pay for staff. The concern is that if the City is the lead, it will involve a lot of work and time. Her preference is that one of the nonprofits apply for the funds and take the lead. The City is willing to support the effort. However, the City cannot lead because the City doesn't have the staff and the City Manager can't be a full time coordinator.

9. CITY ATTORNEY REPORT

- a. The tenants at 14th and I Street have been evicted.
- b. Recently attended a training on Gun Violence Restraining Orders (GVROs). This California law, which took effect in 2016, allows family members or law enforcement officers to seek GVROs against someone believed to pose an "immediate and present danger" of harming themselves or others. This law was passed in the wake of a mass murder in Isla Vista where six individuals were killed. This process appears to be underutilized in California.

10. CITY CLERK REPORT

- a. Splash Party Saturday, August 24, Lions Center from 1-4pm.

11. CLOSED SESSION

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

- a. Property: Brawley Municipal Airport, 948 Ken Bemis Drive
Agency Negotiator: City Manager
Negotiating Parties: Michael Sass
Under Negotiation: Rate and Terms

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

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

- a. Conference with Legal Counsel – Three (3) cases

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

- a. Conference with Legal Counsel – One (1) Case
Name of Case: City of Brawley vs. Teamsters

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

- a. Agency Designated Representative: Rosanna Bayon Moore, City Manager Employee Organizations:
Brawley Public Safety Employees Association.

PERSONNEL MATTERS (G.C. §54957)

- a. Public Employee Appointment - City Manager

RE-CONVENE TO OPEN SESSION

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

- a. Agency Designated Representative: Rosanna Bayon Moore, City Manager Employee Organizations:
Brawley Public Safety Employees Association.

The City Council **unanimously** ratified the agreement with the City of Brawley and Brawley Public Safety Employees Association. m/s/c Kastner-Jauregui/Couchman 5-0

PERSONNEL MATTERS (G.C. §54957)

- a. Public Employee Appointment - City Manager

The City Council **unanimously** ratified the agreement with the City of Brawley and City Manager Rosanna Bayon Moore. m/s/c Kastner-Jauregui/Nava 5-0

12. ADJOURNMENT @ 5:50 pm

Alma Benavides, City Clerk