

**CITY OF BRAWLEY  
November 5, 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** Mayor Wharton

**APPROVAL OF AGENDA**

The agenda was **approved** as submitted. m/s/c Couchman/Kastner-Jauregui 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. There was none.
- b. Recognition of Retiring Community Service Officer Angelica "Chela" Garcia, by Police Chief Robert Sawyer.

**PC Sawyer** presented Angelica "Chela" Garcia with a plaque and Mayor Wharton **presented** her with a token of the City's appreciation.

**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** City Council Minutes: September 17, 2019
- b. **Approved** Accounts Payable: November 1, 2019
- c. **Approved** Memorandum of Understanding between City of Brawley and Brawley Elementary School District for Use of the Lions Center Pool.

- d. **Approved** Memorandum of Understanding between City of Brawley and Brawley Union High School for Use of the Lions Center Pool.

### **3. REGULAR BUSINESS**

- a. Next Steps re: Fiscal Year 2019/2020 Budget.
- **Staff Report & Power Point Presentation – Rosanna Bayon Moore, City Manager and Tyler Salcido, Finance Director**

Collective bargaining has concluded. The audit is complete. The unrestricted balance as of June 30, 2018 is \$671,653 per the audit and the unrestricted balance is \$689,588 per year end closing as of June 30, 2019.

A series of meetings have occurred with all of City Departments. Strategic planning and budget workshops have occurred. With Flores vs. San Gabriel budget values and yet to be determined legal fee the current gap is \$1,295,245.

#### Strategies and Solutions

- Best efforts toward revenue generating commercial development
- Accomplish revenue / expenditure alignment
- Further lean organization
- Adjust service levels to staff reductions
- Rebuild GF reserve within 5 year time horizon

#### Next Steps

- Translate staff changes to service level reductions
- Reduce temporary staffing in code enforcement, graffiti abatement, parks & recreation asap
- Evaluate potential interest earnings on relinquishment funds to reduce operational deficit

**CM Couchman** asked about the interest earnings on our relinquishment funds.

**FD Salcido** said that it's a pool amount with interest allocation on a monthly basis. He noted that every time the City loans from one fund to the other, opportunity costs are incurred. Auditors want loans documented and interest calculated.

**Mayor Wharton** stated the City has been relatively flat both on expenditures, as well as revenues relatively speaking. There's an ever so slight increase in revenues. The last few years have been precipitous in the cost of doing business with pension liabilities, other employer costs and litigation costs. In 2015, there was a sharp increase in the cost of doing business tied to the Affordable Care Act. Those are direct bites out of the General Fund and ongoing expenses. When these increased costs accumulate, they produce sharp rises. That is helpful information for Council and the public to understand the gap in large buckets. These are unfunded mandates, things that the City has to comply with but nothing else changes. No staff is added. No new service lines are provided.

**CM Bayon Moore** stated during the referenced period, a settlement total of \$1 million dollars was paid to the Regional Water Quality Control Board. The City also completed long overdue deferred maintenance projects, two major parking lot improvement projects at Fire Station No. 1 and the Senior Center using general fund dollars. The City also replaced park bleachers. These were six-figure projects that reduced risk at deteriorated properties.

**CM Kastner-Jauregui** stated we have done a good job to bring more revenues this past year. The City is moving forward. The Flores vs. San Gabriel decision has cost the City a lot of money. It was requested that staff confirm that the removal of cash in lieu of benefits has been evaluated as part of the defined current gap.

**CM Bayon Moore** said there are two parts to the topic of Flore vs. San Gabriel impacts. The first is the City's obligation to pay back wages. Those have been assumed for the employees who have been paid and fully resolved. For groups with whom the City has yet to reach agreement and the City is in ongoing litigation, only back wages are assumed, not any escalator for liquidated damages.

**4. INFORMATIONAL REPORTS**                      None to report

**5. DEPARTMENTAL REPORTS**

- a. Monthly Staff Report for November 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
    - 1) On November 1, 2019, the contractor informed the City he would provide responses to the City's Polychem comments and scheduling questions. The City is also anticipating a response from Warminster Fiberglass regarding comments to the Launder Trough submittals.
    - 2) On October 31, 2019, the contractor informed the City that Pump 422 will be returned to the plant in approximately 4 weeks, the end of November or early December.
  - ii) Emergency Installation of Traffic Signal at Cesar Chavez and Main Street
    - 1) The temporary signal cabinet has been working properly since October 7, 2019 and the permanent cabinet is expected to arrive by the end of November.

**6. CITY COUNCIL MEMBER REPORTS**

- Wharton:**                      None to report
- Hamby:**                      None to report
- Couchman:**                      None to report
- Nava:**                      None to report
- Kastner-Jauregui:**                      Attended the City of El Centro Aquatics Center Grand Opening, as well as CM Nava.

**7. CITY MANAGER REPORT**

- a. Reviewed Parade Chair Protocol.

**8. CITY ATTORNEY REPORT**

- a. The owners of the Brawley Mobile Home Park filed an Ex-Parte Action that will be heard Thursday, November 7, to ask the judge for permission to remove all the trailers and/or at least the burned ones. The City Attorney will attend on behalf of the City.

**9. CITY CLERK REPORT**      None to report

**10. CLOSED SESSION**

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

a.      Conference with Legal Counsel – Two (2) Cases

i.      Frankie Rodriguez, Pablo C. Lopez, Marco A. Garcia, Omar Balderas, Gerardo Vindiola, David Villalobos, Julian Jimenez, Ricardo Rosales, Daniel Atondo, David Siquieroz, Jonathan Gutierrez, Anthony Padilla, Julio Velasquez, Roberto Orozco, Mariano C. Valenzuela, Jr., Raul Bernal, Ralph Walker, Jose Limon and Pete Guzman, on behalf of themselves and all other employees similarly situated vs. City of Brawley.

ii.     Brawley Public Safety Employee Association, Jeremy Schaffer, David Holetz, Jorge Garibay, Darlene Garcia, Dennise Montano, Nathan Montes-Gonzalez, Karla Razo, Daniel Swithenbank, Daniel Schleyer, Ricardo Gutierrez, Juan Morales, Ana Amaya, Brian Harsany, Angelica Garcia, Martha Garcia, Javier Martinez, Jake Yuhas, Dean Beckwith, Ricardo Valdez, David Pham, Stephen James Dyroff, Adriana Ruiz, Jon Dellinger, Isaac Romo, Jesse Yuhas, Susanne Nickel, Rudy H. Nunez, Diana Diaz, Sixto Moreno, Joon Kim, Francisco Mendoza, Maghen Caudill, Regina Kim vs. City of Brawley.

**ADJOURNMENT** @ 5:07pm

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**Alma Benavides**, City Clerk