

CITY OF BRAWLEY
November 19, 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 Pastor Mike Necuik, El Redentor Church

PLEDGE OF ALLEGIANCE Lloyd Miller

APPROVAL OF AGENDA

The agenda was **approved** as submitted. m/s/c Couchman/Hamby 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. **Cass Hamlin**, Brawley resident, reported on her daughter's rattlesnake encounter on Panno Street. She requested that the City post signage warning people of potential rattlesnake danger and place repellent to deter snakes residential area.
- b. **Interim Fire Chief Mike York** formally recognized Retiring Fire Captain Rodger Smith, presenting him with a plaque.

2. SCHEDULED PRESENTATION

- a. Announcement re: Public Comment Period for Pure-Gro Brawley Draft Remedial Action Plan from November 13, 2019 to December 17, 2019.

Elsa Lopez, Department of Toxic and Substance Control Public Participation Specialist updated the City Council and community members present about cleanup at the former Pure Gro Site. The proposed Cleanup Plan will remove the stockpile for out of State disposal, excavate other targeted soils for out of State disposal, create a residential buffer zone inside of the fenced eastern property boundary that is cleaned to residential levels, install a new fence, landscaping and sidewalks along River Drive, place a protective engineered cover over the remaining property and provide long term monitoring, maintenance and land use controls. Cleanup Safety Controls will include an Air Monitoring Program, Dust Control Plan, Health & Safety Plan, Transportation Plan and Long-Term Monitoring & Maintenance. Next steps will include the public comment period which begins on November 13th and runs thru December 17th. A community meeting is scheduled on December 5, 2019 at the ACC Hall from 6pm-8pm. In January of 2020, RAP approval & response to comments are expected. In the 1st quarter of 2020, stockpile removal is planned. In the 2nd quarter, design of the rest of the remedy is planned. In the 3rd quarter, the final remedial action is planned. The years of 2021 and beyond are for long-term monitoring & maintenance. All issues expressed at the community forum will be addressed.

Julie Bussey, Chevron Representative, stated that she wanted to reaffirm that Chevron is committed to working through the entire process, getting the stockpile out quickly, going thru the public hearing process.

Pastor Mike Necuik inquired about a south to north roadway on the east side of the property, sidewalk improvements, the size of the landscape area, the height of the fence and the depth of excavation.

CM Bayon Moore clarified that no roads are currently contemplated that run north-south. The landscaping setback is 50 ft. from the City street. The fence is a maximum of 6 ft. in height.

Julie Bussey, stated the stockpile will be removed, Where this contamination, four additional feet will be excavated to the industrial/commercial standard. There is also excavation of materials along the property's eastern boundary. This buffer zone will be cleaned to a residential level. Four feet of clean fill material and 1 ft. of gravel will be placed. The purpose of the gravel is to hold down the dust and to prevent the dust from infiltrating and also to allow a place for rainwater to the extent that it occurs to gather safely without having a lot of runoff.

Mayor Wharton advised Pastor Mike about the Community Meeting coming up on December 5th at the ACC where all these questions and concerns could be further explored.

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 Nava/Couchman 5-0

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

- a. **Approved** Accounts Payable: November 1, 2019, November 6, 2019 and November 14, 2019.
- a. **Approved** City Council Minutes: October 1, 2019 and October 14, 2019
- c. **Approved** 2nd Reading of Ordinance No. 2019-05: Ordinance of the City Council of the City of Brawley, California Adding Chapter 21c to the Brawley Municipal Code for Providing Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act.

4. PUBLIC HEARING

- a. Discussion and Action re: Climate Action Plan Associated General Plan Amendments, Infill Strategies and Negative Declaration.
 - 1) Resolution No. 2019- : Resolution of the City Council of the City of Brawley, California Adopting the Climate Action Plan, Associated General Plan Amendments, Infill Strategies and Certifying the Negative Declaration.

Gordon Gaste - AICP CEP, Planning Director

The adoption of the plan, amendments and policies will bring the City into compliance with mandated State statures and allow greater opportunities to obtain future grants monies.

Open Public Hearing @ 6:38pm

There were no comments.

Closed Public Hearing @ 6:39pm

The City Council **adopted** Resolution No. 2019-51: Resolution of the City Council of the City of Brawley, California Adopting the Climate Action Plan, Associated General Plan Amendments, Infill Strategies and Certifying the Negative Declaration. m/s/c Nava/Couchman 5-0

5. REGULAR BUSINESS

- a. Discussion and Potential Action to Approve Submittal of a SB 2 Planning Grant Application to the State Department of Housing and Community Development (HCD) and Resolution No. 2019- : Resolution of the City Council of the City of Brawley, California Authorizing Application for and Receipt of, SB 2 Planning Grants Program Funds.

The City Council **approved** Resolution No. 2019-52: Resolution of the City Council of the City of Brawley, California Authorizing Application for and Receipt of, SB 2 Planning Grants Program Funds. m/s/c Nava/Kastner-Jauregui 5-0

- b. Discussion and Staff Direction re: Assumptions for the General Fund Budget for Fiscal Year 2019-2020.
- **Staff Report & Power Point Presentation – Rosanna Bayon Moore, City Manager and Tyler Salcido, Finance Director**

The 2017/2018 Audit Process is complete and has been accepted by the City Council. This is five months behind schedule and there are number of reasons why. The most significant is the staffing changes and delays in year two of Audit implementation with the audit team.

Our goal is to present a balanced budget for adoption. There are very significant trade offs to achieve balance.

Where do we stand?

- 1:1 Meetings with departments, strategic planning & budget workshops, 10% additional cuts requested GAP as of today is \$396,248
- Strategies and Solutions a) Best efforts toward revenue generating commercial development b) Accomplish revenue/expenditure alignment c) Further lean organization d) Eliminate elective membership contributions e) Adjust service levels to staff reductions and f) Rebuild General Fund reserve within a specified time horizon
- Approach a) Prioritize and balance services b) Reduce temporary staffing in Code Enforcement, Graffiti Abatement, and Parks & Recreation ASAP and c) Evaluate potential interest earnings on relinquishment funds to reduce operational deficit.
- City Clerk's Department Temporary Maintenance Worker position eliminated and the impact on service levels will be restricted ability to attend outside meetings, janitorial duties to be shared among staff and office coverage challenge.
- Personnel Department will only have Pin Ceremony at City Council Meetings to replace Employee Appreciation Luncheon.
- Development Services: Temporary Part-Time Code Enforcement Officer position eliminated. No backfill of Building Inspector Position which will be vacated due to retirement. The impact on service

levels will be Code Enforcement duties absorbed by Planning Division Staff, increased turnaround times for inspections, plan check review delays and increased use of outside reviewer at developer's cost.

- **Library Staffing:** Page position will be eliminated and duties will be redistributed. The impact on service levels will be to reconfigure of hours of operation, reduce Main Branch by 1 day per week and add 4 hours per week to Del Rio Branch.
- **Police Department Staffing Changes:** Temporary Graffiti Abatement Worker position eliminated, 5 vacant full time Police Officers and 1 Commander will be frozen with no backfill. Graffiti Abatement will be addressed through code enforcement communication and private owner responsibility, reduced staffing levels will be evident on every shift. Challenges include transporting individuals to County jail and significant impacts on City coverage, prioritization of calls may result with no in person response or increased response times. Other consequences include withdrawal from Task Force Assignments and elimination of revenue generation potential. The janitorial service frequency will be reduced and the City will need to potentially re-evaluate public safety staffing for Cattle Call for November 2020.
- **Fire Department Staffing:** These include interim staffing arrangements , promotions to be restricted to interim configuration, vacated Firefighter positions to be backfilled with temporary staffing. Impacts include less experienced staff on schedule.

CM Bayon Moore asked Council if they would like to consider alternatives to the staff proposal. Feedback is encouraged. None of the proposed changes are great news and the intention is to significantly tighten belts through the fiscal year.

Mayor Wharton thanked CM Bayon Moore and FD Salcido and stated the best way to approach the topics is with consensus.

CM Nava stated that there is litigation costs associated with the current budget year that continues to be a concern. The proposed approach is a tough one.

CM Couchman asked about the \$450,000 interest earned in highway relinquishment funds. The prior \$1.3 million is now \$396,000. Has any of the interest warnings been assumed? Have any fee increases been considered?

FD Salcido said use of highway relinquishment funds interest or fund transfers have not been assumed.

Mayor Wharton stated that the 6 month vs. 12 month objective is a challenge.

CM Bayon Moore said that as the budget process begins for 2020/2021 we expect to be on schedule because all employee arrangements are in place. There is no reason for delay. The City may consider different types of cuts in the next cycle.

CM Nava suggested for some Council Members to meet with City Staff and look at specifics again. A lot of work has been undertaken. Perhaps an Ad Hoc Budget Committee could be named.

CM Bayon Moore asked if the goal is final budget adoption at the next meeting.

Mayor Wharton and Council agreed on scheduling of final budget adoption at the next meeting. CM Couchman and Mayor Wharton were named to the Ad Hoc Budget Committee.

6. DEPARTMENTAL REPORTS

- a. 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) The emergency continues. The Contractor, Construction Manager and City Staff held a phone conference today to review the project progress. The Contractor informed the City that mobilization/demolition will be moved to the next week due to the manufacturer pushing the delivery date back. Correspondence from the manufacturer stating their estimated delivery date was requested.
 - 2) The emergency continues. The Contractor continues to work on the rehabilitation of pump 422. The delivery date of Pump 422 to the plant is 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. The cabinet is expected to be shipped by November 29, 2019.

7. CITY COUNCIL MEMBER REPORTS

- Hamby:** Attended Cattle Call Events, Imperial Valley Joint Chamber Mixer, Los Cabos Grand Opening, Tree Planting Ceremony at Hinojosa Park, Witter School Beautification, Brawley Union High School Career Day, Planning Commission Meeting, and El Centro Aquatic Center Grand Opening. Thanked all departments for all their hard work.
- Couchman:** Attended Cattle Events, Los Cabos Grand Opening, Tree Planting Ceremony, Library Board Meeting and funeral for Becky Flammang.
- Nava:** Attended Tree Planting Ceremony, ICTC Meeting, IVEDC Annual Meeting. Thanked staff and fellow Council Members. This is a difficult time for everybody including Council with the upcoming decisions.
- Kastner-Jauregui:** Attended Cattle Call Events, Andrea Roark's Retirement Luncheon and presented a City proclamation, Services for John Santos and IVC Empowerment Women's Conference. Thanked all City staff for their work during Cattle Call.
- Wharton:** Attended the Pioneers Museum Ag Chapter Dinner, Cattle Call Events. Congratulated Miguel Perez for being recognized at the Cattle Call Rodeo Committee Dinner for his assistance and coordination.

8. CITY MANAGER REPORT

- a. The Interact Club and community members that that participated in Saturday's Tree Planting Event will be invited to a future City Council meeting to be recognized.
- b. Received a phone call from a Community Member today about the rattlesnake situation on Panno Street. The City has reached out to Pioneers Memorial Hospital to explore proactive education and messaging.
- c. Fielded some community concerns and interest about the Post Office renaming. Comments will be redirected to Congressman Vargas' office.

- d. The City received a notice of resignation from Andrew Colace from the Brawley Parks and Recreation Commission as he has moved out of the County and out of the State. Will be following up with the Mayor and Mayor Pro-Tempore on next steps for the replacement process

9. CITY ATTORNEY REPORT

- a. Brawley Mobile Home Park will be cleaned up within 2-4 weeks.

10. CITY CLERK REPORT None to report

11. CLOSED SESSION

REAL PROPERTY NEGOTIATIONS

- a. Conference with Real Property Negotiator – (California Government Code §54956.8)
Address: APNs 047-231-013 and 047-231-014, Brawley, CA
Negotiator: City Manager/City Attorney
Negotiating Parties: R. Garcia Construction, Inc.
Under Negotiation: Rate and Terms

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 @ 9:10pm

Alma Benavides, City Clerk