

**CITY OF BRAWLEY**  
**December 3, 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 the meeting to order @ 6:00 PM

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

**INVOCATION** Associate Pastor Greg Diaz, House of Bread Ministries

**PLEDGE OF ALLEGIANCE** Mayor Pro Tempore Kastner-Jauregui

**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.**

**Daniel Schleyer, Brawley Public Safety Employees Association (BPSEA)** read a letter into the record regarding labor negotiations and related compensation matters. He urged the Council to be bold and ask citizens to support a sales tax or public safety tax

**John Hernandez, Chairperson to the Brawley Senior Get-Together Club and the Imperial County Area Agency on Aging** commented on seniors as an integral part of any community. Senior services and our senior population need a coordinator to provide a lifeline and a quality of life that is deserving to those that have paid their fair share.

**Luis Olmedo, Comite Civico de Valle Representative** extended an invitation to participate in upcoming activities regarding the former PureGro site. Many people are suffering from illnesses and different conditions in the neighborhood. The California Department of Toxic (DTSC) is proposing remedies, including removal of the stockpile and excavation of four feet below the stockpile. One of the community's requests is sampling in the area. DTSC has refused to do so.

**Julio Jauregui, Brawley resident** invited the Brawley City Council and public to a fundraiser for the Imperial Valley Cancer Support Center being held on Saturday, December 7, 1:00 p.m. to 10:00 p.m. at Hidalgo Hall.

**Connie Marquez, Representative of the Brawley Get Together Senior Club and Senior Center** commented on the possibility to cut or reduce services at the Senior Center. She stated it is a place of comfort and fellowship. It is a second home to meet, sing, dance, play bingo, socialize. It is the only outside activity for most seniors. She asked the City Council to keep the center functioning for the benefit of all seniors.

**2. SPECIAL BUSINESS**

a. Reorganization of Officers

- 1) Election of Mayor/Chairperson for the City Council, Successor Agency to Brawley Community Redevelopment Agency, Public Financing Agency and Public Improvement Corporation

**CM Nava** nominated Mayor Pro-Tempore Norma Kastner-Jauregui for Mayor. m/s/c Nava/Couchman 5-0

- 2) Election of Mayor Pro-Tempore for the City Council, Vice Chairperson for the Successor Agency to Brawley Community Redevelopment Agency, Vice Chairperson for the Public Financing Authority and Vice President for the Public Improvement Corporation

**CM Nava** nominated CM Hamby for Mayor Pro-Tempore. m/s/c Nava/Couchman 5-0

b. Outgoing Mayor Comments

**CM Wharton** said the City of Brawley is resilient. Much has been accomplished by the the will of the people and Brawley citizens. He thanked all the employees, staff members, and fellow Council Members. He congratulated the incoming Mayor and expressed appreciation for the opportunity to work with her in 2020. He thanked attendees in the audience for the sea of support. He thanked family, friends, his wife, Suzy and son Hunter for being supportive. He thanked his father-in-law Louis Hausmann and expressed his desire to honor his citizenship.

- 1) Presentation to Mr. Louis R. Hausmann

**CM Wharton** presented Mr. Hausmann as Mayor of the Day in the City of Brawley .

c. Incoming Mayor Comments

**Mayor Kastner-Jauregui** thanked fellow Coty Council members for the honor of serving as Mayor of the City of Brawley. Thanked **CM Wharton** for his leadership, dedication, mentorship and serving as a great role model. She thanked fellow CM's Nava, Couchman and Hamby they have made themselves available to discuss City related projects, issues and concerns. She thanked all the hard-working staff who are responsive to every need for information. She thanked family and friends, especially her husband, for his patience, understanding and support. She introduced family members daughters Melissa and Claudia, son Anthony and daughter-in-law Gina, her granddaughters, Kelsey, Kayla and her grandson, Gian, her sister Esther and her aunt Joby. She thanked friends and relatives that helped from the very beginning with the campaign and have supported her.

**Mayor Kastner-Jauregui** shared why she ran for City Council. She was born and raised in Brawley, one of seven children and only 3 still living. She graduated from BUHS in the top 20 of her class. Her plan after graduating was to attend UCSD but Julio was drafted and she was encouraged by her mother and Julio to stay in Brawley. She attended IVC. She has no regrets. She has a beautiful family and had a very successful career.

She worked for the State of California with the Employment Development Department. She got great satisfaction from serving the population -- the unemployed, the underemployed, farmworkers, veterans, low income and disabled. When she started her career with the EDD, all upper management were males. She seized the opportunity to advance within the department and with a few years was in management. She was the first female to be the general manager for the EDD in Imperial County. With 35 years of service and thankful for the opportunity and experience, she retired in January of 2011.

Friends would ask about a run for the City Council. Because of their encouragement, knowledge and experience, they felt she was a good fit for serving the community as an elected official. She has taken the challenge and responsibilities very seriously, dedicating whatever time is necessary to listen to our constituent concerns, weighing different opinions and ultimately doing what the team decides is the best for the community. This year has been a challenging one for the City. In spite of difficulties with finances, great accomplishments have been possible. Exciting projects are coming up this year which include housing and commercial development. The City of Brawley is doing a good job in pursuing funding for affordable housing. She looks forward to working with the

City Council to face challenges together and continue to provide the necessary services to the community. She looks forward to a very successful year for our City of Brawley.

d. Incoming Mayor Pro-Tempore Comments

**Mayor Pro-Tempore Hamby** expressed his gratitude to the rest of the council for the experience of the past two years. This past year has been difficult dealing with issues. It has been an education and eye-opening in the finance process. He appreciates staff efforts to tighten the belt and try to make it through another fiscal year. He is grateful to have the opportunity to serve the City of Brawley. He congratulated the new Mayor Norma Kastner-Jauregui. He thanked Donnie for the hard work of the past year and stated he is grateful to CM Nava and C Couchman for their collaboration over the past year. He also shared he is grateful to his family, wife, Elizabeth, and son, Bennet who is 3. It is a sacrifice for every family that has a Council Member here.

**3. SPECIAL PRESENTATIONS**

a. Offices of Assembly Member Ben Hueso, Senator Eduardo Garcia and Congressman Juan Vargas

**Stella Jimenez**, presented various certificates of appreciation to CM Wharton on behalf of the office of Assembly Member Ben Hueso, Senator Eduardo Garcia and Congressman Juan Vargas.

The City Council **presented** CM Wharton with a gift for his year as Mayor and a scrapbook of the year's media clippings in the IV Press and The Desert Review.

**4. SCHEDULED PUBLIC HEARINGS**

a. Conduct Public Hearing for Brawley Mobile Home Park Zone Change/General Plan Amendment (ZC18-01/GPA18-01) – 650 Brawley Avenue.

- 1) Adopt Ordinance No. 2019- : Ordinance of the City Council of the City of Brawley, California, Amending the Brawley Municipal Code to Change the Zoning Designation for Specified Properties.

**Staff Report - Gordon Gaste, Planning Director, AICP CEP**

**Cameron Johnson from AMG Associates** owner and development representative for the property stated that the property has been in a state of disarray. It is anticipated that the final trailers will be removed within one week and it should be fully cleaned. The vision is a neighborhood retail commercial center. There are a lot of rooftops in the area. Commercial development and amenities within walking distance will be a great addition in that part of town.

**OPENED PUBLIC HEARING @ 7:11 pm**

No comments

**CLOSED PUBLIC HEARING @ 7:12 pm**

The City Council **adopted** Ordinance No. 2019-06: Ordinance of the City Council of the City of Brawley, California, Amending the Brawley Municipal Code to Change the Zoning Designation for Specified Properties. m/s/c Couchman/Hamby 5-0

- 2) Adopt Resolution No. 2019- : Resolution of the City Council of the City of Brawley, California, and Amendment to the City of Brawley General Plan.

The City Council **adopted** Resolution No. 2019-52: Resolution of the City Council of the City of Brawley, California, and Amendment to the City of Brawley General Plan. m/s/c Nava/Couchman 5-0

- b. Conduct the Public Hearing under the Requirements of the Tax and Equity Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended (the “Code”).

**CA Smerdon** stated that the way it works is if the City elects to join the CMFA, developers are eligible to participate in bond funding that the agency sponsors. The City would be a member of that JPA but the City does not have any obligation to pay on these bonds. It is the developer’s responsibility and it’s a very low risk proposition for the City. CMFA has been in existence for a long time. There are a lot of cities or members and its good opportunity for the developer to get financing.

**CM Hamby** asked if there was a membership fee?

**CA Smerdon** stated no.

**CM Bayon Moore** stated the City will have the opportunity to recover some of the administrative expenses associated with City review and participation. **Mr. Travis Copper** is present and available in the audience to answer any questions.

**OPENED PUBLIC HEARING @ 7:19 pm**

No comments

**CLOSED PUBLIC HEARING @ 7:20 pm**

- 1) Adopt Resolution of the City Council of the City of Brawley, California Approving the Issuance of the Bonds by the CMFA for the Benefit of, Brawley Pacific Associates III, a California Limited Partnership (the “Borrower”) a Partnership of which Pacific West Communities, Inc. (the “Developer”) or a Related Person to the Developer is the General Partner, to Provide for the Financing of the Project, Such adoption is Solely for the Purposes of Satisfying the Requirements of TEFRA, the Code and the California Government Code Section 6500 (and following). The Resolution will also authorize the Mayor or Designee Thereof to Execute the Joint Exercise of Powers Agreement with the CMFA.

The City Council **adopted** Resolution No. 2019-54 of the City Council of the City of Brawley, California Approving the Issuance of the Bonds by the CMFA for the Benefit of, Brawley Pacific Associates III, a California Limited Partnership (the “Borrower”) a Partnership of which Pacific West Communities, Inc. (the “Developer”) or a Related Person to the Developer is the General Partner, to Provide for the Financing of the Project, Such adoption is Solely for the Purposes of Satisfying the Requirements of TEFRA, the Code and the California Government Code Section 6500 (and following). The Resolution will also authorize the Mayor or Designee Thereof to Execute the Joint Exercise of Powers Agreement with the CMFA. m/s/c Wharton/Couchman 5-0

**5. 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 21, 2019 and November 26, 2019
- b. **Approved** City Council Minutes: October 31, 2019

**6. REGULAR BUSINESS**

- a. Discussion and Potential Action to Adopt Resolution No. 2019- : Resolution of the City Council of the City of Brawley, California, Approving the Overall Budget for Fiscal Year 2019/2020.

**Staff Report & Power Point Presentation - Rosanna Bayon Moore, City Manager and Tyler Salcido, Finance Director**, provided an overview and presented the Overall Budget for Fiscal Year 2019/2020.

- **Power Point Presentation on file with the Office of the City Clerk.**

Various staffing and service levels changes were discussed in detail to close the budget in the black by June 30, 2020.

**DeAnn Lucky, High School Swim Team Coach**, inquired about heaters possibly being turned off? And If that is the plan for how long is it planned?

**Marjo Mello**, stated staff is looking to set pool at 75 degrees for the rest of the winter. In advance of a scheduled meet, the City will raise the temperature a couple degrees to 78 degrees.

After lengthy discussion, the City Council **consensus is to** use all interest on highway relinquishment funds as of November 30, 2019 to close the General Fund gap. This is authorized as a one time event that is a transfer of funds to the General Fund. It is not a loan. The interest earnings are currently estimated at \$450,000. Staff are directed to partially or completely restore graffiti abatement, senior center and Admin Office janitorial services staffing as funds allow.

The City Council **adopted** Resolution No. 2019-55: Resolution of the City Council of the City of Brawley, California, Approving the Amended Overall Budget for Fiscal Year 2019/2020. m/s/c Wharton/Couchman 5-0

- b. Discussion and Staff Direction re: Vacancy on Parks & Recreation Commission.

The City Council **recommended** that the City Clerk contact the prior applicants who expressed interest and bring the information back to the next meeting.

- c. Discussion and Potential Action re: Regular City Council Meeting Date of December 17, 2019

The City Council **recommended** to go dark in December until the next meeting on January 7, 2020.

## **7. INFORMATIONAL REPORTS**

- a. Record of Building Permits for October 2019 prepared by Oscar Escalante, Interim Building Official.

## **8. DEPARTMENTAL REPORTS**

- a. Monthly Staff Report for December 2019, Prepared by Personnel & Risk Management Administrator Shirley Bonillas.
- b. Update by Public Works Director Guillermo Sillas, PE
  - 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) A conference call took place on December 3<sup>rd</sup> with the contractor, construction manager and City staff to review the progress of the project.
    - 2) The emergency continues. The contractor continues working on the rehabilitation of the pumps.
  - ii) Emergency Installation of Traffic Signal at Cesar Chavez and Main Street  
The temporary signal cabinet has been working properly since October 7, 2019. The contractor has informed that the permanent cabinet was shipped on November 29, 2019.
- c. Announcement of Special Events by Library Director / Interim Parks & Recreation Director/Library Director Marjo Mello
  - i.) Annual Tree Lighting Ceremony, Wednesday, December 4, 2019, 5:30pm at Kiwanis Kiosk in North Plaza Park
  - ii.) Angel "T" Party, Thursday, December 5, 2019, 5:30pm at Brawley Main Branch Public Library
  - iii.) How to Collect Coins Program, Thursday, December 12, 2019, 6:00pm at Brawley Main Branch Public Library

**Marjo Mello Library Director/ Interim Parks & Recreation Director** noted that on December 20, 2019 at 6:00 P.M. the movie "Rise of the Guardian" will be shown at the Lions Center. There are over 300 kids signed up for Basketball League and 400 kids for the Soccer League.

## **9. CITY COUNCIL MEMBER REPORTS**

**Hamby:** Attended the American Legion event to local distinguished Veteran Tracy Rosco for his service to the country. Attended an appreciation luncheon for Police and Fire Department employees held by the House of Bread Ministries.

**Couchman:** Attended the Brawley High School Career Technical Education meeting.

**Nava:** Attended the Board of Supervisors meeting along with CM Couchman, a check was presented at the ceremony from Assembly Member Garcia for a CDBG Award of \$500,000 to the City of Brawley.

**Wharton:** Myself and CM Couchman spent time as an Ad Hoc Budget Committee Members to help get through the budget process, he expressed appreciation to the new Finance Director coming aboard and taken on a load. This is the time of the year really to stop to reflect. He will be starting up a weekly Running Club that will be meeting at Cattle Call. It is just one day a week. All Council Members, staff and members of the public are invited.

**Kastner-Jauregui:** Echoing all the comments from Council Members, it has been difficult for everybody. All of the hard work is appreciated May everyone enjoy the rest of the holiday season and stay safe.

**10. CITY MANAGER REPORT**

- a. BUHS has reached out to the City to begin some discussions about how the two agencies might be able to complement one another’s staffing and maintenance related duties. Some information will come back to the City Council in the not so distant future.
- b. The City will be participating in Career Day at Barbara Worth Junior High School on December 19, 2019, 8:30 a.m.-12:30 p.m.
- c. The existing DMV property was a recent topic with reference to private property matters in the surrounding areas. The City received a recent update on the prospects for a new DMV location in Brawley. Before the end of December, site visits from the Department of General Services and DMV personnel are expected.

**11. CITY ATTORNEY REPORT** None to report.

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

**13. CLOSED SESSION**

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

- a. Conference with Legal Counsel – One (1) Case

REAL PROPERTY NEGOTIATIONS

- a. Conference with Real Property Negotiator – (California Government Code §54956.8)  
Address: APNs 225 A Street, Brawley, California  
Negotiator: City Manager  
Negotiating Parties: Boys & Girls Club  
Under Negotiation: Rate and Terms

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

EXISTING LITIGATION (California Government Code §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.

**14. ADJOURNMENT @ 9:01pm**

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**Alma Benavides, City Clerk**