

CITY OF BRAWLEY
January 21, 2020

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 Kastner-Jauregui called meeting to order @ 6:00 PM

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

INVOCATION Mayor Pro Tempore Hamby

PLEDGE OF ALLEGIANCE CM Couchman

1. APPROVAL OF AGENDA

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

2. 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. **Mary Emanuelli**, Brawley resident, stated she read about the HGTV Home Town Takeover series that will premiere in 2021 and thought it would be perfect for Brawley. She and others organized a committee. Bari Smith and Tyler Smith have been collecting footage around Brawley and a photo shoot is planned on Saturday, January 25 in the Plaza/downtown area. Ms. Emanuelli stated even if Brawley is not picked, it is an important effort. She is looking to the City for support.
- b. Introduction of Newly Appointed Imperial Valley Housing Authority Executive Director

Kirk Mann, Imperial Valley Housing Authority Executive Director, was introduced by Robert Palacio, Imperial Valley Housing Authority Board Chairman and was welcomed by the City Council to the City of Brawley.
- c. Introduction of Newly Promoted Wastewater Treatment Plant Operator II Truman Rogers by Public Works Director Guillermo Sillas, PE.
- d. Introduction of Newly Hired Communications Dispatcher Shannon Walters by Police Chief Robert Sawyer.
- e. **Key Juan Parker, Question Skateboard Owner**, he is a skater in Brawley for the last three years. Skate parks everywhere attract other than the intended crowd. He shared concerns about alcohol and drug use and resulting refuse. Surveillance cameras, heavier visibility of law enforcement and an onsite authority figure are needed. Brawley offers events for adults but nothing for youth. He offered collaborate and provide skate demos on safety and riding.

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 Wharton/Couchman 5-0

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

- a. **Approved** Accounts Payable: January 3, January 10, and January 16, 2020
- b. **Approved** City Council Minutes: January 7, 2020

4. REGULAR BUSINESS

- a. Discussion and Potential Action to Approve Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Authorizing the City to Apply for an Award of \$3.5M from the State of California Housing and Community Development Infill Infrastructure Program (IIP) Associated with La Serenita Apartments at Adams Park.

The City Council **approved** Resolution No. 2020-05: Resolution of the City Council of the City of Brawley, California Authorizing the City to Apply for an Award of \$3.5M from the State of California Housing and Community Development Infill Infrastructure Program (IIP) Associated with La Serenita Apartments at Adams Park. m/s/c Wharton/Nava 5-0

- b. Discussion and Potential Action to Approve Personnel Policy 153-17 Drug Free Workplace Policy and Adopt Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California re: the City of Brawley Drug Free Workplace Policy.

Shirley Bonillas, Personnel & Risk Administrator stated that the proposed document is a revised Drug-Free Workplace Policy that meets all State and Federal Guidelines. The policy would bring the City up to date.

CM Wharton asked about the probable cause component.

P&RA Bonillas stated that City Council is step one. The City Council approves policy. Step 2 is to reach out to the different bargaining units and provide training on the indicators that would give probable cause for a test.

The City Council **approved** Resolution No. 2020-06: Resolution of the City Council of the City of Brawley, California the City of Brawley Drug Free Workplace Policy. m/s/c Nava/Couchman 5-0

- c. Discussion and Potential Action to Approve Personnel Policy 153-18 Drug and Alcohol Testing Policy for All Employees Covered by DOT-FMCSA and Adopt Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California re: the Drug and Alcohol Testing Policy for All Employees Covered by DOT-FMCSA.

The City Council **approved** Resolution No. 2020- 07: Resolution of the City Council of the City of Brawley, California the Drug and Alcohol Testing Policy for All Employees Covered by DOT-FMCSA. m/s/c Nava/Couchman 5-0

- d. Discussion and Potential Action Adopt Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Acting in Its Capacity as the Successor Agency for the Brawley Community Redevelopment Agency, Approving the Recognized Obligation Payment Schedule for the period of July 1, 2020 through June 30, 2021 and Approving Certain Related Actions.

Tyler Salcido, Finance Director, mentioned that all agencies shall submit an OB approved annual ROPS to the California Department of Finance and Imperial County Auditor-Controller by February 1, 2020. Each February 1, thereafter, the Successor Agency is required to complete a Recognized Obligation Payment Schedule (“ROPS”) in the manner provided for by the Department of Finance.

The City Council **approved** Resolution No. 2020-08: Resolution of the City Council of the City of Brawley, California Acting in Its Capacity as the Successor Agency for the Brawley Community Redevelopment Agency, Approving the Recognized Obligation Payment Schedule for the period of July 1, 2020 through June 30, 2021 and Approving Certain Related Actions. m/s/c Nava/Couchman 5-0

- e. Discussion and Potential Action re: Letter to Oppose SB 50 (Wiener) Planning and Zoning, Housing Development Incentives.

Rosanna Bayon Moore, City Manager and Gordon Gaste, Planning Director received a legislative alert from the League of California Cities, although it was noted that SB 50 was pulled from the Senate Appropriations Committee late today and re-routed back to Senate Rules Committee.

The primary concern with SB50 is that it is an opportunity for the State to completely bypass local decision making. It is recommended by the League of Cities that the City take action to preserve local control and prepare a letter in opposition of SB 50.

The City Council **approved** for City Manager to send a letter of Opposition of SB 50 to the League of California Cities in behalf of the Council if needed. m/s/c Wharton/Couchman 5-0

- f. Discussion and Potential Action to Accept Annual and Five-Year Reports for Use of City of Brawley Development Impact Fees, Water and Sewer Capacity Fees in Fiscal Years 2016-2017 through 2018-2019.

Tyler Salcido, Finance Director stated that Fiscal Years 2016-2017 through 2018-2019 Annual Reports for Development Impact Fee have been prepared by DTA. The City is required for each Impact Report be made available to the public within 180 days after the last day of each fiscal year which is June 30th. Notification and reports were provided to the Desert Valley Builders Association (DVBA) on December 30th, 2019, meeting that deadline. DVBA submitted comments via email on January 14, 2020 and on January 17, the City provided responses to DVBA comments providing justifications for the expenditures and future projects. Appropriate amendments were also made to the report.

The City Council **approved** the Annual and Five-Year Reports for the Use of the City of Brawley Development Impact Fees, Water and Sewer Capacity Fees in Fiscal years 2016/2017 through 2018/2019. m/s/c Nava/Couchman 5-0

5. DEPARTMENTAL REPORTS

- a. 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) The emergency continues. On December 20, 2019, the contractor removed Pump 423 and took it to their shop to rebuild. It is expected back around January 31, 2020.
- 2) The emergency continues. Due to delays experienced with the contractor, the City Attorney is contributing to ongoing communications. Deadlines to ship the material and to mobilize at the site (Jan. 21, 27 respectively) have been established. The City contacted the manufacturer. All of the basin components will be shipped by Jan. 28, 2020. The contractor stated mobilization will take place on Jan. 27, 2020.

b. Update by Interim Parks & Recreation Director Marjo Mello re: 2020 Recreation Leagues

As part of the adopted budget, two Parks & Rec leagues were suspended in the remainder of the fiscal year. One is the Girls Softball League and the other is the Adult Softball League. Currently, both leagues are cancelled.

The City has fielded inquiries about how to bring the Girls League back. At the meeting of the Parks and Recreation Commission earlier on January 21, 2020, some great ideas were shared. Volunteer efforts were proposed to cut some costs. Linda Self, Recreation Coordinator, will be meeting with last year's coaches to see if there is an agreement as to the kinds of things that can be done to try and save money to revive and keep the league going. The league's budget is approximately \$14,300 or about \$110 per child. There are usually about 120 kids that participate. Sponsors may get the cost down to about \$70 per child. The City has historically charged about \$35 per child which only partially offsets the cost.

On the Adults Men and Women's Softball League front, a memo addressed to previous players and coaches has been drafted to let them know how much exactly it actually costs to run the league. The City incurs about \$23,375 dollars per year in expenses. This amount to roughly \$1,113 per team but the City only charges \$375 per team which again does not cover the cost of the league.

6. CITY COUNCIL MEMBER REPORTS

- Couchman:** Attended Chabela's Brisket Cook Off as a Judge and Civil War Re-Enactment at Huff and Wheeler Road.
- Nava:** Attended League Dinner, met with Imperial County Association of Realtors and the I Love Brawley Committee.
- Wharton:** Attended the I Love Brawley Committee Meeting, and League Dinner.
- Hamby:** Attended the League Dinner, Imperial Valley Business Expo, Library Board and Parks & Recreation Commission Meeting. Fielded emails and phone calls on the budget. Thanked Finance Department for brainstorming and suggestions on how to raise revenue which will be helpful going forward.
- Kastner-Jauregui:** Attended the League Dinner, Martin Luther King Ceremony, the I Love Brawley Committee Meeting and IID Board Meeting today where they made a decision on the sale of IID property between in North County. Fielded budget related emails and phone calls. Thanked staff for all their hard work.

7. CITY MANAGER REPORT

- a. She is working with the I Love Brawley Committee on the Photo Shoot for Saturday, January 25, 2020.
- b. First Federal Imperial Credit Union opened earlier in day on HWY 86.

8. CITY ATTORNEY REPORT None to report

9. CITY CLERK REPORT None to report

10. CLOSED SESSION

REAL PROPERTY NEGOTIATIONS

- a. Conference with Real Property Negotiator – (California Government Code §54956.8)
Address: 948 Ken Bemis Drive, Brawley, California
Negotiator: City Manager
Negotiating Parties: Brawley Hangar Co. LLC
Under Negotiation: Rate and Terms
- b. Conference with Real Property Negotiator – (California Government Code §54956.8)
Address: 225 A Street, Brawley, California
Negotiator: City Manager
Negotiating Parties: Boys & Girls Club
Under Negotiation: Rate and Terms

POTENTIAL LITIGATION (California Government Code §54956.9)

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

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, JoonKim, Francisco Mendoza, Maghen Caudill, Regina Kim vs. City of Brawley.

ADJOURNMENT @ 7:15pm

Alma Benavides, City Clerk