

**CITY OF BRAWLEY**  
**June 16, 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 @ 6:03 PM

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

**1. APPROVAL OF AGENDA**

The agenda was **approved** as amended. m/s/c Hamby/Nava 5-0

Item 5 (a): Should read Update on the Emergency Construction Project at the Brawley Water Treatment Plant to replace components of two sedimentation basins.

**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.

**To maintain social distancing, in person attendance is strongly discouraged. Should a member of the public wish to provide public comments, please submit written comments via email to [abenavides@brawley-ca.gov](mailto:abenavides@brawley-ca.gov) or contact the City Clerk's Office at 760/351.3080. The deadline to submit written comments or schedule telephonic participation is 2PM on June 16, 2020.**

State of California Governor Gavin Newsom waived specific portions of the Brown Act by Executive Order for the period that social distancing measures are recommended and required by state and local public health officials. The waiver of Brown Act provisions requires:

- a. Members of the public are allowed to observe and address public meetings telephonically or through other electronic means.
- b. Procedures "swiftly" accommodate any reasonable request to accommodate access by disabled individuals to meetings that are accessible telephonically or through other electronic means in accordance with the Americans with Disabilities Act ("ADA").
- c. Notice of the procedure is provided for making requests for such reasonable accommodation with the notice for any public meeting.

**Brawley Public Library Board Members Crystal Duran and Judy Grant and Brawley Resident Robert Reyes** submitted letters regarding the closure of the Brawley Public Main Library, encouraging the City to reconsider public access.

**Mayor Kastner-Jauregui** stated the closure of the Library is a result of the pandemic. City Staff will continue to explore options.

**CM Bayon Moore** stated that the City would look for different ways to potentially provide access during the period from July through December 2020 when physical closure is currently planned because of COVID. She reassured

that there continues to be commitment to advancing literacy in the community and that option will be considered in the final budget presentation.

**Brawley Resident Vicky Hernandez** submitted an email expressing her concerns regarding speeding and safety in the 200 Block of A Street. The information will be shared with BPD for address.

**CM Nava** stated Mrs. Hernandez was in contact with him regarding the topic. He asked that staff look at stepped up enforcement or other deterrents to slow down traffic.

**CM Wharton** suggested the placement of the speed trailer.

**CM Bayon Moore** said this information would be forwarded to the Streets and Utilities Department at Public Works and the Police Department. A response will be developed based on the information shared and collected.

**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 Couchman/Nava 5-0

<b>AYES:</b>	Couchman, Hamby, Kastner-Jauregui, Nava, Wharton
<b>NAYES:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

- a. **Approved** Accounts Payable: June 8, 2020 and June 12, 2020
- b. **Approved** Resolution No. 2020-34: Resolution of the City Council of the City of Brawley, California, Requesting the Board of Supervisors of the County of Imperial to Consolidate a General Municipal Election to be Held on November 3, 2020, with the School Election to be Held on the Date Pursuant to §10403 of the Elections Code.
- c. **Approved** Resolution No. 2020-35: Resolution of the City Council of the City of Brawley, California, Giving and Calling Notice of the Holding of a General Municipal Election to be held on Tuesday, November 3, 2020, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities.

**4. REGULAR BUSINESS**

- a. Update by Film Liaison Charla Teeters, Imperial County Film Commission re: Filming Activities for Fiscal Year 2019-2020 and Effects of COVID-19.

**Charla Teeters, Executive Director** provided an update on the current and proposed activities for Imperial County. Production completely halted in mid-March. There are many restrictions and guidelines in play. When the time comes for production to resume, the framework will be in place. She expressed the 2019/2020 was one of the slowest years. In the past, the region has averaged around 100 productions in a year. As of February, there were only 51 productions. The estimated economic impact of those 51 projects is around \$700,000. What the future looks like for filming in the Imperial Valley and what is being done during this time is what everybody is more concerned with at this point.

COVID-19 protocols for production will be reviewed very carefully for when it gets to that point, when film permits are being issued again. Those productions will need to sign off and understand local health regulations and what is expected. Currently, the Film Commission is trying to be proactive and stay in

contact with productions so when we they are ready, Imperial County is the destination choice. All events have been canceled until there is greater certainty.

b. Update on City of Brawley Declaration of Local Emergency as a Result of COVID-19 Pandemic

i. Overall Outlook Presented by Fire Chief Mike York

**Fire Chief York** provided an outlook of the current emergency. Imperial County Public Health Department tested 20,853 patients. Of that number, there are 4,389 positive cases, 992 remain active. The vast majority are recovering at home taking care of themselves. Of those active cases, 78 are currently hospitalized. Of those hospitalized, 18 are in ICU and there are zero ICU beds available between both hospitals. Surge capacity - the hospitals' ability to flex and accept more patients – is at 23 beds. None is currently in use, even though the ICUs are full. Patient transfers out of the County have allowed for address of critical patients. The number of ventilators that are in use between both hospitals is 34 of the available 76 ventilators. Over 3,300 positive cases have recovered. In the 92227 zip code, there are a total of 735 positive cases and in Imperial County, there are 52 deaths attributed to COVID-19. The 70-79 age group remains the most affected for deaths. Information coming from the South of the border through the region's Mexicali liaison reported 3,600 positive cases, 487 active and 638-recorded deaths. Mexicali has reported that both hospitals serving COVID patients are over 80% capacity.

The City is continuously working with local, state and federal partners to coordinate a continued response to the pandemic, securing PPE and supplies. The City departments continue to adapt to provide services within guidelines set by the State of California and Imperial County. Planning for service model changes is in progress. Imperial County is a region of high concern at all levels and is being monitored closely. The CDC is sending additional personnel into the area to assist with contact tracing and information gathering regarding the high percentage of positive cases.

The Imperial County Board of Supervisors submitted a letter to Governor Newsom requesting advancement to the next stage of recovery. The questions now are where the region stands in terms of the roadmap to recovery. In Imperial County, the most challenging criteria is the goal of a 7 day average of less than 8% of the persons positive versus the persons that have been tested. The 7-day average is currently at 22.3%.

**CM Couchman** asked what is happening with the IVC facility. Is it full?

**FC York** said the IVC facility is staffed and opened and has not been reported to be full.

**CM Bayon Moore** indicated that IVC has 125 beds available and the patient census on June 14 was nine beds taken.

ii. Discussion and Potential Action to Extend the Local Emergency by Sixty Days.

**CM Bayon Moore** said the City is obligated every 60 days to review the status of the emergency and if necessary extend that period. This includes a timetable of another 60 days based on the health status of the area and the conditions that initially warranted the declaration.

The City Council **motioned** to extend the Local Emergency by Sixty Days. m/s/c Couchman/Nava 5-0

c. Discussion and Potential Action to Approve Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Authorizing and Approving Interim Expenditures Prior to Adoption of the FY 2020-21 Overall Budget for the City of Brawley.

The City Council **approved** Resolution No. 2020-37: Resolution of the City Council of the City of Brawley, California Authorizing and Approving Interim Expenditures Prior to Adoption of the FY 2020-21 Overall Budget for the City of Brawley. m/s/c Hamby/Couchman 5-0

- d. Discussion and Potential Action to Approve Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Authorizing the Application for and Receipt of \$150,000 in Local Early Action Planning (LEAP) Program Funds.

The City Council **approved** Resolution No. 2020-38: Resolution of the City Council of the City of Brawley, California Authorizing the Application for and Receipt of \$150,000 in Local Early Action Planning (LEAP) Program Funds. m/s/c Wharton/Nava 5-0

- e. Discussion and Potential Action to Approve Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Adopting a List of Projects for Fiscal Year 2020-2021 Funded by SB 1: The Road Repair and Accountability Act of 2017.

The City Council **approved** Resolution No. 2020-39: Resolution of the City Council of the City of Brawley, California Adopting a List of Projects for Fiscal Year 2020-2021 Funded by SB 1: The Road Repair and Accountability Act of 2017. m/a/c Couchman/Wharton 5-0

- f. Discussion and Potential Action to Approve Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Amending the FY 2019-2020 Budget in the amount of \$76,172.20 for Development / Street Facilities to Relocate AT&T Infrastructure.

The City Council **approved** Resolution No. 2020-40: Resolution of the City Council of the City of Brawley, California Amending the FY 2019-2020 Budget for \$76,172.20 for Development / Street Facilities to Relocate AT&T Infrastructure. m/s/c Couchman/Hamby 5-0

## **5. DEPARTMENTAL REPORTS**

- a. Update on Emergency Construction Project at the Brawley Water Treatment Plant

The troughs of Sedimentation Basin No. 2 were installed and working as of Saturday, June 13, 2020. There are some issues due to the water filtering through the bolts and nuts. They will be adjusted or repaired when the contractor returns to install the troughs at Basin No. 1. Currently, Basin No. 2 is in a testing period for 14 to 30 days. Both basins are in automatic operation due for completion on July 13, 2020.

- b. Update on Emergency Replacement of Three Failing A/C Units at Brawley Police Department, Presented by Interim Police Chief Scott Sheppard.

The A/C project was completed. A crane brought on premises damaged the landscaping and underground piping that leads to the irrigation. The contractor was notified of the damages. More information will be shared as it becomes available.

## **6. CITY COUNCIL MEMBER REPORTS**

**Couchman:** Recently met with a Gold Mining Company. Looking forward to the Finance Department window opening.

**Nava:** Received several calls from businesses. Some have had SBA Loans approved. The alley behind his G Street office was neglected for some time so a community cleanup project was accomplished with help from Republic Services.

**Wharton:** There are many challenges with COVID-19. He recently attended the funeral services for El Centro Police Officer Efren Coronel.

**Hamby:** Had many conversations with people in the City regarding the closure of the Library. Spoke with the City Manager about trees along Cotton Rosser Street. Participated in a presentation at Pioneer's Memorial Hospital to the National Guard. Wished a happy 50<sup>th</sup> wedding anniversary to Mayor Kastner-Jauregui and expressed gratitude for his son's recent adoption.

**Kastner-Jauregui:** Welcomed a new hardware store that opened where Busy Bee Floral was located. Imperial Valley Business Recovery Task Force posters are circulating. Has seen cleanup around town. State representatives are in the valley to do an analysis on why so many COVID-19 cases are here. To date, 450 patients have been transferred out of the area. COVID-19 needs to be taken more seriously. The National Guard is present until July and there is a Public Information Campaign to follow guidelines.

## **7. CITY MANAGER REPORT**

- a. She was invited to join a Virtual Town Hall with the Imperial County Association of Realtors. It was a chance to hear about where the market was right before the Emergency Declaration, what has happened in the last 60-90 days and then what some of the projects are going forward as financing opportunities and demand have shifted. It gave local agencies who participated, as well as the Health Department and County, the change to talk through what the next stages would look like with the State's action to approve a variance.
- b. She provided an update on roadway projects on temporary delay due to COVID-19. Allen Street is set to resume this week. The City appreciates the patience of area residents who are experiencing some short-term inconveniences due to construction. Legion Road Phase II will be a topic for potential action at the next City Council Meeting. Phase III will follow, which will extend to Western city limits on Legion.
- c. COVID-19 presented some challenges for annual community cleanup day activities. Republic Services has expressed ongoing openness for any local community group or committed community member who wishes to take on a project in their neighborhood. These arrangements are available during these unique times with support from Republic Services.
- d. The County of Imperial has been trying to work with cities on how to best position local businesses for reopening in the post COVID-19 era. As later stages of business openings become possible, certain guidelines have been published by the State of California for safe operations. City staff had the chance to join with the County to work with a local business to do a walk-through of sorts. The intent was to increase awareness of what measures could be taken that are effective and cost efficient. Las Chabelas was the place of business and the Mayor assisted with securing their participation. It was a fruitful exercise for all parties.
- e. Staff direction is needed for the approaching November 2020 Election. A number of topics are particularly timely to revisit.
  - 1) The Brawley Chamber of Commerce proposed that the Transient Occupancy Tax be directed to support operations at the Chamber. The TOT is currently set at 8% and represents an average of \$400,000 per year.
  - 2) An increase to the City Sales Tax rate was proposed by stakeholders interested in establishing a revenue source specifically for Public Safety. The sales tax in the City is currently at 7.25%.

- 3) The City has a long history with the Utility Users Tax (UUT). It is currently set at 4% with a sunset. The last time it was on the ballot, the City contemplated no sunset and modernizing the language for different types of technologies. No changes were ultimately agreed upon. At this time, the UUT is scheduled to expire in May of 2022. There is only one window for renewal, which is November 2020.
- 4) Typically, in any given year there are multiple polling locations among City properties. The County Elections Department has begun to explore these options with the City Clerk and with an eye towards COVID-19 concerns.
- 5) Whether there is a desire to transition the elected City Clerk position to an appointed City Clerk in future years, as it stands the current Office of the City Clerk position has an expiration to the term of November 2020 that aligns with several Council Members as well.

Timing and potential voter confusion regarding an increase in the Sales Tax and/or TOT could jeopardize the success of the UUT's renewal. The City Council **directed** staff to work with City Attorney on the wording for two Ballot Measures. The UUT renewal should be based on modern technologies and presented with a no sunset clause. A ballot measure regarding the appointment of the City Clerk (as opposed to election) should also be drafted for future consideration of the City Council.

**8. CITY ATTORNEY** None to report

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

**10. CLOSED SESSION**

JOINT POWERS INSURANCE AUTHORITY (JPIA) FOR INSURANCE CLAIMS DISCUSSION (California Government Code § 54956.9)

- a. The Legislative Body, as a Member of a Joint Powers Authority, formed for purposes of insurance pooling pursuant to California Government Code § 6500 et seq., will meet in closed session to discuss claims for the payment of tort liability losses, public liability losses, or workers compensation liability incurred by the Joint Powers Agency or a Local Agency Member of the Authority. There is one (1) potential claim.

EXISTING LITIGATION (California Government Code §54956.9)

- a. Conference with Legal Counsel – Four (4) Cases

REAL PROPERTY NEGOTIATIONS (California Government Code §54956.8)

- a. Conference with Real Property Negotiator –

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

**11. RECONVENED IN OPEN SESSION AND REPORTED THE FOLLOWING ACTION**

- a. Conference with Real Property Negotiator –

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

The City Council **approved** the Rate and Terms. m/s/c Wharton/Hamby 5-0

**12. ADJOURNMENT @ 8:20 pm**

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**Alma Benavides**, City Clerk