

CITY OF BRAWLEY
July 7, 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

1. APPROVAL OF AGENDA

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

Item 3 (d): Reject Claim as recommended by Carl Warren & Company Claims Management Adjusters for Claimant: Veronica Flores was pulled to a future meeting.

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 or contact the City Clerk's Office at 760/351.3080. The deadline to submit written comments or schedule telephonic participation is 2PM on July 7, 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.
 - All written public comments are available on file at the Office of the City Clerk.
- d. **Crystal Duran, Judy Grant and Elizabeth Lorenzen, Library Board of Directors and Robert Reyes, Brawley resident** submitted correspondence regarding proposed budget and service level cuts to the Brawley Public Library.
- e. **Maryann Vasquez, Brawley resident**, submitted written correspondence regarding illegal fireworks.
- f. **Cathy Sullivan, Brawley resident**, submitted written correspondence regarding a right of way issue on her property.

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, Kastner-Jauregui, Nava, Wharton
NAYES: None
ABSENT: None
ABSTAIN: None

- a. **Approved** Accounts Payable: June 19, 2020, June 26, 2020 and July 02, 2020
- b. **Approved** Amendment No. 2 to City of Brawley Professional Services Agreement with LC Engineering Consultants, Inc. in an Amount Not to Exceed \$9,400 and Total Contract Amount Not to Exceed \$23,400.
- c. **Adopted** Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Amending Fiscal Year 2019/2020 City of Brawley for the Parks & Recreation Department in the Amount of \$12,056.00.

4. SCHEDULED PUBLIC HEARING

- a. Conduct Public Hearing for Paddock Apartments Site Plan/Zone Change/General Plan Amendment (SP20-01/ZC20-01/GPA20-01) – 1603 Malan Street.
 - i. Adopt Ordinance No. 2020- : Ordinance of the City Council of the City of Brawley, California Amending the Brawley Municipal Code to Zone Designation for Specified Properties.
 - ii. Adopt Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Amendment to the City of Brawley General Plan.

Presented by Gordon Gaste, Community Services Department and Tom DuBose, Dubose Design Group

- Content is available upon request at the Office of the City Clerk.

The applicant is requesting a Site Plan, Zone Change and General Amendment to change the existing Low Density Residential land use to Medium Density Residential and subsequently the zone from R-1 (Residential Single Family) to R-3 (Residential Medium Density); the site will contain a maximum of 50 units on a site of 2.92 acres.

CM Couchman asked about the number of parking spaces and the block fence.

CSD Gaste stated that the maximum allowed number of units is 50. The number of parking spaces required is based on the number of bedrooms in units.

DDG Dubose clarified that the block fence is a condition and a guaranteed feature.

CM Nava inquired about any remaining neighborhood resident concerns.

CSD Gaste indicated the concerns have been addressed from staff's perspective.

Public Hearing Opened @ 6:42 pm

Rudy and Carmen Leal oppose the project near their home due to the associated increase in area traffic and safety of children.

CSD Gaste stated that the development has two access points - one on K Street and one on Malan.

CM Bayon Moore stated that the City received no additional comments for the public hearing.

Public Hearing Closed @ 6:46 pm

CM Nava asked if there were any additional comments that were expressed by area residents after the developer modified and re-oriented the structure and parking lot to address concerns raised before the Planning Commission.

SD Gaste stated that the party that initiated a circulated petition prior to the Planning Commission meeting appeared satisfied with mitigation measures that staff recommended to be applied to this project.

- i. Adopt Ordinance No. 2020- : Ordinance of the City Council of the City of Brawley, California Amending the Brawley Municipal Code to Zone Designation for Specified Properties.

The City Council **approved** the 1st Reading of Ordinance No. 2020-01: Ordinance of the City Council of the City of Brawley, California Amending the Brawley Municipal Code to Zone Designation for Specified Properties. m/s/c Nava/Couchman 5-0

- ii. Adopt Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Amendment to the City of Brawley General Plan.

The City Council **adopted** Resolution No. 2020-42: Resolution of the City Council of the City of Brawley, California Amendment to the City of Brawley General Plan. m/c/s Nava/Couchman 5-0

5. REGULAR BUSINESS

- a. 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

FC York reported 36,262 people have been tested with 28,646 negative cases and 7,343 positive cases. Within the 92227 Zip Code, there are 1,224 positives and 1,033 active cases. Currently, 89 patients are hospitalized; 20 are in ICU. There are 36 of 76 available ventilators in use. Thirty-two (32) of those ventilators are confirmed COVID positive patients. To date, 526 patients have been transported out of County for treatment. The alternative care site that has been set up at IVC. To date, a total of 115 patients have been treated. There are 80 beds available and the facility is staffed for 30 patients. A plan is in place if there is a surge. Eleven (11) patients are being treated who are lower acuity patients.

A total of 6,189 patients in the Valley recovered and 121 deaths have resulted from COVID-19 countywide. Mexicali reported 5,480 positive cases, 302 are active and 926 deaths. Their dashboard is up and running.

A roll back has been implemented in terms of what activities are allowed. The goal to move forward is a positivity rate of less than 8%. As of today, the County is at 17.4%, trending downward. Imperial County remains a region of high concern at all levels. State and Federal partners, the Center for Disease Control,

California National Guard, California Medical Assistance Team (CalMAT) and Cal OES have all provided personnel. The region recently received a CalMAT strike team to assist local skilled nursing facilities.

On the Brawley EMS front, the Brawley Fire Department has responded to 97 calls for service that were COVID-19 related since March. Forty-one (41) of those were COVID-19 positive cases. Brawley Fire Department has modified response procedures to reduce the number of personnel that are exposed.

On June 25th, a special need within the City was met by the Imperial County Hazardous Materials Team when Frye Chapel was overburdened. Frye's has received assistance through the Imperial County Operational Area Emergency Operations Center. Temporary portable refrigerated units have now expanded their capacity. Their pre COVID-19 capacity was 54 deceased. It is now 76. When assistance was requested, they were actually at 83 above capacity. With assistance, it was possible to stabilize operations. The Imperial County Sheriff's Department stepped in, along with Cal OES and other mortuaries, to increase capacity to assist with the influx.

The City is in daily communication with local, State and Federal partners to coordinate its response, secure PPE equipment, to clean and maintain safety for City employees and the public through the County of Imperial Emergency Operations Center, and continue to adapt and provide essential services.

ii. Imperial County Health Order of July 1, 2020

CM Bayon Moore provided an update on changes associated with the roll back. She reviewed low risk activities that may continue and some restrictions that apply. With reference to non-essential retail, interior access is no longer available for walk-in but curbside is allowed. In public places, face coverings are now required. Enforcement is expected as a part of the provisions of this amended Health Order. The Health Order closes all County parks. Local agencies were strongly encouraged to do the same. Brawley moved forward with the installation of signage and City Staff have begun educating residents and park users about alternatives that are available for exercising. On the Hub, alternative exercise routes have been published.

iii. COVID-19 Emergency Plan - City Service Changes updated July 1, 2020

The document has been updated to reflect State and Amended Health Order changes. The significant change for the City is under Parks and Recreation.

- b. Discussion and Potential Action to Award Project No. 2020-01 Legion Street Improvements Phase from Evelyn Avenue to Kelley Avenue to Rove Engineering for \$391,291.80.

The City Council **awarded** Project No. 2020-01 Legion Street Improvements Phase from Evelyn Avenue to Kelley Avenue to Rove Engineering in the amount of \$391,291.80. m/c/ s Couchman/Wharton 5-0

- c. Discussion and Staff Direction re: August 2020 Public Meeting Schedule

The City Council **directed** to retain the first meeting in August and advised staff if an additional meeting is needed it can be established.

6. INFORMATIONAL REPORTS

- a. Record of Building Permits for May 2020 in the City of Brawley, Prepared by Oscar Escalante, Interim Building Official.

- b. **Fire Chief York** provided an update on fireworks on 4th of July. It was difficult to quantify. Based on observations, the use of illegal fireworks in the City of Brawley this year was far greater than previous years. On the 4th of July and in the very early hours of the 5th of July, Brawley Fire Department responded to 12 calls within City limits, including a structure fire at an unoccupied residence. No injuries were reported but fireworks were recovered from the site. There were seven other fires that were suspected or confirmed to be fireworks related. The incidents included fences, trash receptacles/dumpster bins or brush areas. Last year in the same period, there were four fires, all brush and trash receptacles.

Interim Police Chief Sheppard indicated that between the 29th of June thru the 5th of July, there was a total of 55 firework calls into the dispatch center. Thirty-four (34) of the calls were on the 4th of July. One incident involved illegal fireworks that were seized and a citation issued. A significant increase in illegal fireworks was observed this year from past years.

7. DEPARTMENTAL REPORTS

- a. Monthly Staff Report for July 2020, Prepared by Personnel & Risk Management Administrator Shirley Bonillas.
- b. Update on Emergency Construction Project at the Brawley Water Treatment Plant to Replace Components of Two Sedimentation Basins Presented by Public Works Director Guillermo Sillas, PE.
- 1) Basin #1 has the flight & chain mechanism installed and has been functioning for several months. The new troughs were sent back to the manufacturer due to issues with holes in the flanges and coating. The troughs are scheduled to be delivered later in the week.
 - 2) Basin # 2 is complete.

8. CITY COUNCIL MEMBER REPORTS

Wharton: None to report

Nava: Thanked staff for their work during in our trying times and to the public for their patience. It has been a difficult transition during COVID-19. There are concerns as to why the City is operating the way it is. Hopefully, more clarity for the public is possible. Also offered comments on the passing of Bill Burns, a former Brawley Police Department Officer and Vietnam Veteran. The passing of Ramona Montoya Reyes was also recognized. He extended his condolences to their families.

Couchman: Thanked all the City staff for their continued work. Noted roadwork on Allen Street and many fireworks. Essential businesses in Brawley are open. Restaurants are only doing take out and are surviving. He is hoping that things get better.

Hamby: Was contacted by Martin Islas from the American Legion regarding a planned rally at the Veterans Memorial or Kiosk. He replied that everything is basically closed down if non-essential, although it is recognized the Constitution gives everyone a right to peacefully assemble. It is appreciated that the City's efforts are educational and have not been punitive. Recently received a call regarding the homeless and the lack of cool centers. He also received calls from residents on the closure of walking paths at Cattle Call Park. Requested clarification on which businesses are allowed to be open. He was honored to host the inaugural Brawley patriotic porch and yard decoration contest. About 20 homes participated with four judges. Three are veterans and one was Stacy Burns, daughter of

the late Bill Burns. The contest was in Mr. Burns' honor and there were many donations for prizes.

Kastner Jauregui: Participated in a lot of Zoom and teleconference meetings to stay updated and informed on COVID-19 with the County and various State agencies. Attended a meeting at IVC with State dignitaries, representing different departments from Sacramento. The County received an invitation from the Mexicali Mayor to talk with all Mayors the County Chairperson to explore ways to work together with the COVID-19 situation. She expressed appreciation for the City Manager's participation in all of these meetings and and staffs continued hard work.

9. CITY MANAGER REPORT

- a. Education is a type of enforcement. The City appreciates the cooperation of local residents and businesses in these trying times and looks for better outcomes in the next weeks with the chance to roll forward.

10. CITY ATTORNEY None to report

11. CITY CLERK None to report.

12. CLOSED SESSION

13. EXISTING LITIGATION (California Government Code §54956.9)

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

ADJOURNMENT @ 8:25pm

Alma Benavides, City Clerk