

CITY OF BRAWLEY
July 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

Moment of Silence in honor of Nathan Cazarez

1. APPROVAL OF AGENDA

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

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 21, 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.

No public comments were received by email or phone.

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: July 09, 2020 and July 17, 2020
- b. **Approved** City Council Minutes: May 5, 2020, May 19, 2020 and June 2, 2020.
- c. **Approved** 2nd 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.
- d. **Approved** Resolution No. 2020-43: Resolution of the City Council for the City of Brawley, California Acting as the Legislative Body of Community Facilities District No. 2005-1 of the City of Brawley (**Victoria Park**) Authorizing the Levy of Special Taxes Within Community Facilities District No. 2005-1 for Fiscal Year 2020-2021.
- e. **Approved** Resolution No. 2020-44: Resolution of the City Council for the City of Brawley, California Acting as the Legislative Body of Community Facilities District No. 2005-3 of the City of Brawley (**La Paloma**) Authorizing the Levy of Special Taxes Within Community Facilities District No. 2005-3 for Fiscal Year 2020-2021.
- f. **Approved** Resolution No. 2020-45: Resolution of the City Council for the City of Brawley, California Acting as the Legislative Body of Community Facilities District No. 2005-4 of the City of Brawley (**Latigo Ranch**) Authorizing the Levy of Special Taxes Within Community Facilities District No. 2005-4 for Fiscal Year 2020-2021.
- g. **Approved** Resolution No. 2020-46: Resolution of the City Council for the City of Brawley, California Acting as the Legislative Body of Community Facilities District No. 2006-1 of the City of Brawley (**Malan Park**) Authorizing the Levy of Special Taxes Within Community Facilities District No. 2006-1 for Fiscal Year 2020-2021.
- h. **Approved** Resolution No. 2020-47: Resolution of the City Council for the City of Brawley, California Acting as the Legislative Body of Community Facilities District No. 2007-1 of the City of Brawley (**Luckey Ranch**) Authorizing the Levy of Special Taxes Within Community Facilities District No. 2007-1 for Fiscal Year 2020-2021.
- i. **Approved** Resolution No. 2020-48: Resolution of the City Council for the City of Brawley, California Acting as the Legislative Body of Community Facilities District No. 2007-2 of the City of Brawley (**Springhouse**) Authorizing the Levy of Special Taxes Within Community Facilities District No. 2007-2 for Fiscal Year 2020-2021.
- j. **Approved** Resolution No. 2020-49: Resolution of the City Council of the City of Brawley, California Amending the Bernardo Padilla Assessment District Commencing with FY 2020-2021.

4. PUBLIC HEARING FOR STATE ADMINISTERED CDBG/CDBG-CV APPLICATION

PUBLIC HEARING CONTINUED TO AUGUST 4, 2020.

CM Bayon Moore said additional staff direction is requested to proceed with application for business support or utility assistance for senior citizens.

CM Nava stated that he would be interested in a program that can be rapidly delivered with a simple request process that abides by all the State requirements.

CM Wharton suggested an alternative to a business loan because so many businesses have already participated in other offerings.

Mayor Kastner-Jauregui mentioned there is big disappointment that things take too long and that businesses are excluded who already qualified for a different program.

CM Couchman indicated if there is not a recovery quick enough in a given amount of time or the business does not recover, then there are issues with the expenditures with pay back requirements. There are long-term impacts and the City would be better served with focusing on seniors.

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 provided an update outlook of the current emergency. Imperial County Health Department has tested 41,876 patients. Of that number, there are 8,606 positive cases, 925 remain active. Of those active cases, 95 are currently hospitalized, 20 are in ICU. Four out of the 23 ICU patients are using 19 of the 48 available ventilators.

Out of County transfers as of the last report were over 500. The alternate care site located at IVC has treated 177 patients. A total of 7,518 have recovered, and 163 deaths have resulted from COVID. The Imperial County dashboard has recently had an update to show positive cases by zip code and other information. For the 92227 zip code, there are 1,457 positive cases and 18 of the County deaths have originated in Brawley.

For Mexicali, there are 6,421 positive cases and 1,130 deaths reported. Added this week to the east, Yuma County has 9,600 positive cases and 198 deaths.

On the roadmap to recovery, the goal is less than 8% persons tested towards persons positive on a 7-day average. On July 7, the County was at 17.4%. The most recent number is 17.68%.

Since March, BFD has responded to 111 calls for service that were COVID related and 49 of those have been confirmed as COVID positive,

Regarding the local mortuary capacity, an increase in capacity is due to the Sheriff's Department increasing their capacity at their facility, as well as the State lending storage units to the local mortuary. The skilled nursing facility in the City of Brawley has been the focus of much conversation due to their elderly and very vulnerable populations. They are being monitored closely and personal protective equipment has been dedicated to those facilities. The City continues to cooperate with local, state and federal partners. The City of Brawley is still receiving PPE allotments for cleaning and disinfecting supplies, facial coverings, etc. working internally and externally with stakeholders to continue to monitor, respond and develop plans for the future.

b. Approve Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Appointing Three (3) Members to Fill a Vacancies on the Brawley Airport Commission.

- 1) Brian Floyd
- 2) Tim Kelley
- 3) Peter Osterkamp

The City Council **adopted** Resolution No. 2020-50: Resolution of the City Council of the City of Brawley, California appointing three (3) members to fill vacancies on the Brawley Airport Commission with term ending June 30, 2022. m/s/c Couchman/Wharton 5-0

c. Approve Resolution No. 2020- : Resolution of the City Council of the Brawley, California Appointing Two (2) Members to the Brawley Planning Commission.

- 1) George Marquez
- 2) Kevan Hutchinson

The City Council **approved** Resolution No. 2020-51: Resolution of the City Council of the Brawley, California appointing two (2) members to the Brawley Planning Commission term ending June 30, 2024. m/s/c Couchman/Nava 5-0

- d. Approve Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California for Submission to the Voters A Question Relating to the Extension of the City of Brawley Utility Users Tax and the Submission to the Voters a Question Relating to Whether or not the Office of City Clerk should Become an Appointed Office on the Ballot for the General Municipal Election to be held on Tuesday, November 3, 2020.

The City Council **approved** Resolution No. 2020-52: Resolution of the City Council of the City of Brawley, California for Submission to the Voters A Question Relating to the Extension of the City of Brawley Utility Users Tax and the Submission to the Voters a Question Relating to Whether or not the Office of City Clerk should Become an Appointed Office on the Ballot for the General Municipal Election to be held on Tuesday, November 3, 2020. m/s/c Couchman/Wharton 5-0

- e. Discussion and Potential Action to Adopt Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California, Approving the Overall Budget for Fiscal Year 2020-2021.

Staff report & Power Point Presentation - Rosanna Bayon Moore, City Manager and Tyler Salcido, Finance Director

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

CM Nava mentioned that it is important that the public understands the budget can change with respect to COVID. He also inquired about ways that the City could strengthen its financial position.

FD Salcido stated that a set-a-side is possible that is designated in the financial statements.

CM Wharton asked if there is a timing issue to consider.

FD Salcido indicated there is some time to and the topic us a potential financial option for the general fund.

Mayor Kastner-Jauregui asked if more language needs to be developed to move relinquishment funds into the general fund.

FD Salcido said a resolution is not required. It can be done by a budget adjustment with the direction stated. Options can be presented at a future date.

CM Couchman asked for the topic to be brought back to a future meeting for a decision.

CM Hamby stated that he would like to know the current balance of the relinquishment funds.

FD Salcido mentioned that there is approximately \$7.2 million dollars and some of it is already set aside for projects.

The City Council **approved** Resolution No. 2020-53: Resolution of the City Council of the City of Brawley, California, Approving the Overall Budget for Fiscal Year 2020-2021. m/s/c Hamby/Couchman 5-0

- f. Discussion and Potential Action to Authorize the Purchase of 5 RAS PUMPS at the Wastewater Treatment Plant at a cost of \$280,493.72 and Approve City Council Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Amending the Fiscal Year 2020/2021 City of Brawley Budget for the Wastewater Treatment.

The City Council **approved** the authorization to Purchase of 5 RAS PUMPS at the Wastewater Treatment Plant at a cost of \$280,493.72 and Approved Resolution No. 2020-54: Resolution of the City Council of the City of Brawley, California amending the Fiscal Year 2020/2021 City of Brawley Budget for the Wastewater Treatment Plant. m/s/c Nava/Wharton 5-0

6. DEPARTMENT REPORTS

- a. 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.

The plant is operating properly; waiting for the last channels to be replaced and the City is in communication with the contractor.

7. INFORMATIONAL REPORT

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

8. CITY COUNCIL MEMBER REPORTS

Nava: Thanked the public and staff for the all their hard work.

Couchman: Thanked City staff and community during these trying times.

Wharton: Nothing to report.

Hamby: Filled a few calls from people with issues and forwarded them to the City Manager. Appreciated the information shared by the Finance Director. He and staff are to be commended for their hard work.

Kastner-Jauregui: Has continued to participate in various conference calls with the County CEO, City Manager and other agencies and Cal OES meetings twice a week. Went to Niland to see the fire damage. Received phone calls from Rosa Diaz, the local LGTBQ Center Director looking for guidance and direction for a peaceful demonstration on August 1st in remembrance of Marilyn Casarez.

9. CITY MANAGER REPORT

- a) Working with Rosa Diaz from the LGTBQ Center and the County Health Department re: social distancing and face coverings for the rally scheduled for August 1, 2020 from 6:30 – 8:30 pm on North Plaza Kiwanis Kiosk.
- b) The County of Imperial Public Health Department and local agencies are working on a Keep It Moving Campaign to message safe activity that can occur during park closures.

10. CITY ATTORNEY None to report

11. CITY CLERK None to report

12. CLOSED SESSION

POTENTIAL LITIGATION (California Government Code §54956.9)

- a. Conference with Legal Counsel – Three (3) Cases

EXISTING LITIGATION (California Government Code §54956.9)

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

PERSONNEL MATTERS (Government Code §54957)

- a. Public Employee Appointment to the Position of Police Chief

13. ADJOURNMENT @ 7:48 pm

Alma Benavides, City Clerk