

CITY OF BRAWLEY
September 3, 2013

The City Council of the City of Brawley, California met in regular session at 6:00 PM, Council Chambers, 383 Main Street, 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.

The meeting was called to order by **Mayor Couchman @ 6:00 PM**

PRESENT: Campbell, Couchman, Miranda, Nava, Wharton

ABSENT: None

The invocation was offered by **Pastor Troy Doudy, Assembly of God.**

The pledge of allegiance was led by **CM Campbell.**

1. APPROVAL OF AGENDA

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

Item 2 a California HERO Program presentation by Kevin Kurka, Business Analyst for Renovate America was moved to regular business 4 a.

2. PUBLIC APPEARANCES

a. **David Dale of Dynamic Consulting Engineers Inc.** provided comments to the Brawley City Council regarding the City of Brawley's use of non-local consultants.

3. CONSENT AGENDA

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

AYES: Campbell, Couchman, Miranda, Nava, Wharton

NOES: None

ABSTAIN: None

ABSENT: None

a. **Approved Minutes for July 16, 2013.**

b. **Approved Accounts Payable Registers for** July 11, 2013
July 12, 2013
July 25, 2013
July 26, 2013
August 1, 2013
August 8, 2013

August 9, 2013
August 14, 2013
August 22, 2013
August 23, 2013

- c. **Authorized** Contract Change Order No. 3 to Hazard Construction for Contract 2012-01: Transit Transfer Station in an amount not to exceed \$4,836.64.
- d. **Approved** Scope and Fee for Accounting Services FY 2012/2013 in an amount not to exceed \$19,980 for Moss, Levy and Hartzheim.
- e. **Approved** Amendment No. 4 to Agreement between City of Brawley and Imperial County Humane Society Agreement in an amount not to exceed \$54,000 for Animal Sheltering Services.
- f. **Adopted** Resolution No. 2013-42: Resolution of the City Council of the City of Brawley authorizing the opening of account(s) through a licensing agreement with Multi-Bank Securities, Inc. and authorizing signers on behalf of the City of Brawley.
- g. **Adopted** Resolution No. 2013-43: 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 January through June 2014 and approving certain related actions.
- h. **Adopted** Resolution No. 2013-44: Resolution of the City Council of the City of Brawley, California Declaring an Emergency, Ratifying Action Taken by the City Manager and Authorizing the City Manager to take further action as may be necessary in response thereto for Ed Wiest Emergency Repair Work.
- i. **Rejected** Claims as recommended by Carl Warren & Company Claims Management Adjusters for Claimants: Jacob Amidon and Helen Gutierrez.
- j. **Approved** Change Order No. 3 to Contract No. # 2012-16A, Readvertisement of Emergency Operations Center and Police Department Painting and Flooring Remodel Project in the amount of \$0 to Eckard Commercial Construction.

4. REGULAR BUSINESS

- a. California HERO Program presentation by Kevin Kurka, Business Analyst, Renovate America.

Mark Rodgers of Renovate America presented a power point presentation to City Council and would like City Council to take action on a resolution. Council directed City Manager to work with Mr. Rodgers.

- b. Review and Decision re: Late Payment Assessment for Brawley Inn, LLC – May 2013 Transient Occupancy Tax.

Ruby Walla, Finance Director provided background and payment history associated with the Brawley Inn, LLC. The City Council **approved** the waiver of the Transient Occupancy Tax Penalty in the amount of \$1,071.61. m/s/c Nava/Miranda 5-0

- c. Review and Consider authorization to sell alcohol at Cattle Call Arena for Justin Lofton Foundation's Country Western Concert on October 5, 2013.

The City Council **approved** authorization to sell alcohol at Cattle Call Arena for Justin Lofton Foundation's Country Western Concert on October 5, 2013. m/s/c Nava/Miranda 5-0

- d. Discuss Street Sweeping Services in the City of Brawley.

The City Council **directed** City Manager and staff to negotiate with Allied Waste regarding the outsource of Street Sweeping Services in the City of Brawley. City Council directed that the existing full-time permanent Street Sweeper Operator be assumed for retention by the City as a member of the Streets & Utilities staff.

- f. Review and Approve Establishment of Onsite Laboratory and Associated Staffing at the City of Brawley Wastewater Treatment Plant.

The City Council **approved** the establishment of an Onsite Laboratory and Associated Staffing at the City of Brawley Wastewater Treatment Plant. m/s/c Nava/Campbell 5-0

- g. Review and Amend Resolution No. 2010-37 and replace with Resolution No. 2013-45: Resolution of the City Council of the City of Brawley, California Business Advisory Committee.

Adopted amendment to Resolution No. 2010-37 and replaced with Resolution No. 2013-45: Resolution of the City Council of the City of Brawley, California Business Advisory Committee **was approved, passed and adopted**. m/s/c Wharton/Nava 5-0

- h. Review and Approve Resolutions No. 2013- : Resolution of the City Council of the City of Brawley, California, appointing members to the Brawley Airport Commission, Brawley Public Library Board of Trustees, Brawley Parks & Recreation Commission, Brawley Planning Commission, Imperial Valley Housing Authority and Brawley Business Advisory Committee.

Resolution No. 2013-46: Resolution of the City Council of the City of Brawley, California, appointing Timothy E. Kelley and Thomas Hauvermale to the Brawley Airport Commission with a term that expires on June 30, 2017 **was approved, passed and adopted**. m/s/c Couchman/Wharton 5-0

Resolution No. 2013-47: Resolution of the City Council of the City of Brawley, California appointing Elizabeth Lorenzen and Ron Stillman to the Brawley Public Library Board of Trustees with a term that expires June 30, 2016 **was approved, passed and adopted.** m/s/c Couchman/Miranda 5-0

Resolution No. 2013-48: Resolution of the City Council of the City of Brawley, California appointing Maritza Nunez to the Brawley Parks & Recreation Commission with a term that expires June 30, 2016 **was approved, passed and adopted.** m/s/c Couchman/Miranda 5-0

Resolution No. 2013-49: Resolution of the City Council of the City of Brawley, California appointing Jitendra (Jay) Goyal and Eugene Bumbera to the Brawley Planning Commission with terms that expire June 30, 2017 **was approved, passed and adopted.** m/s/c Couchman/Wharton 4-1 Nava voting no

Resolution No. 2013-50: Resolution of the City Council of the City of Brawley, California appointing Mary Miller and Robert Palacio to the Imperial Valley Housing Authority with term that expire June 30, 2017 **was approved, passed and adopted.** m/s/c Couchman/Miranda 4-1 Nava voting no

Resolution No. 2013-51: Resolution of the City Council of the City Brawley, California appointing Sean Wilcock to the Brawley Advisory Committee with a term that expires on June 30, 2014 **was approved, passed and adopted.** m/s/c Couchman/Wharton 5-0

- i. Consider and Determine City Council Meeting Date Change from September 17, 2013 to September 16, 2013.

The council **approved** the date change for the next Brawley City Council Meeting. m/s/c Nava/Campbell 5-0

5. DEPARTMENTAL REPORTS

- a. Shirley Bonillas, Personnel & Risk Management Director – Monthly Staffing Report

6. INFORMATIONAL REPORTS

- a. Record of Building Permits, July 2013 – Francisco Soto, Building Official

7. CITY COUNCIL REPORTS

Wharton: Thanked the Fire Department for a great job with the storm.

Nava: Looking forward to networking at the California League of Cities Conference next month. Thanked staff.

Campbell: Thanked the Parks & Recreation Staff for their hard work maintaining the fields.

Miranda: Commended staff on their hard work after the storm. Expressed concern with graffiti and its proliferation.

Couchman: Attended Mega Mixer at the Stockmen's Club, Police Chief Gillmore's Retirement Party, Commander Michael Loyd's Retirement Party, and Annual Breakfast for Teachers, Nurses and Janitors.

8. CITY MANAGER'S REPORT

- a. Prepared letters of support for Local Entity Competitive Mitigation Program for several local companies and organizations.
- b. Public Works Department has been at work painting crosswalks around school sites.
- c. At the meeting on September 16, 2013, Sheriff Loera will present a project referred to as a Day Reporting Center /Re-Entry Facility proposed for the northwest corner of 8th and G Street.

9. TREASURER'S REPORT

Ruby Walla, Finance Director updated City Council on recently opened investment accounts at Community Valley Bank and Sun Community Federal Credit Union.

10. CITY ATTORNEY'S REPORT None

11. CITY CLERK'S REPORT None

12. ADJOURNED TO CLOSED SESSION @ 7:40 PM

ANTICIPATED LITIGATION

- a. Conference with Legal Counsel – Initiation of Litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9. There are four (4) potential cases.

EXISTING LITIGATION

- a. Conference with Legal Counsel – Existing Litigation Paragraph (1) of subdivision (d) of Government Code Section §54956.9.
 1. Administrative Civil Liability Complaint R7-2013-0028 City of Brawley Wastewater Treatment Plant.

2. Jupiter Ventures vs. City of Brawley

LABOR RELATIONS NEGOTIATIONS

- a. The Agency will recess to closed session pursuant to G.C. 54857.6 to meet with Rosanna B. Moore, City Manager, who is the Agency's designated representative for the purpose of reviewing the Agency's position and instructing its representative regarding matters of salaries, salary schedules, compensation paid in the form of fringe benefits, or, as applicable, other matters dealing with mandatory subjects within the scope of representation pursuant to G.C. 3504. Brawley Firefighters Local No. 1967.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

- a. Conference with Real Property Negotiators
Property: Hinojosa Park
Agency Negotiator: Rosanna Bayon Moore, City Manager
Negotiating party: AT & T
Under negotiation: price and terms of payment

ADJOURNMENT Next Adjourned Regular Meeting, ***Monday, September 16, 2013***
@ 6:00 PM, City Council Chambers, 383 Main Street, Brawley, California.

Alma Benavides, City Clerk