

**CITY OF BRAWLEY**  
**September 27, 2011**

The City Council of the City of Brawley, California met in an adjourned meeting 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 Campbell @ 6:00 PM*

The invocation was offered by *Pastor Mike Neciuk, El Redentor Assembly of God*

The pledge of allegiance to our flag was led by *CM Couchman*

**PRESENT:** Campbell, Couchman, Kelley, Miranda, Nava  
**ABSENT:** None

**APPROVAL OF AGENDA**

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

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**1. PUBLIC APPEARANCES/COMMENTS**

*Mayor Campbell* introduced and welcomed aboard new City Manger, Rosanna Bayon Moore to her first City Council meeting.

*Eric Reyes* concurred with Mayor Campbell on welcoming aboard the new City Manager and announced Dia de la Raza, starting Thursday, September 29, 2011 with a Chamber Mixer at the Hidalgo Hall.

**2. DEPARTMENT REPORTS**

**a. SEPTEMBER 20, 2011; STAFFING SUMMARY REPORT – SHIRLEY BONILLAS.**

*Staff Report - Shirley Bonillas, Personnel & Risk Management*

*Mayor Campbell* stated that this is a very good report and I mentioned to Rosanna I would like for us to maybe get this on a quarterly basis or something like that to kind of show where we are with the positions.

*P&R M Bonillas* indicated she is prepared to do this monthly.

**Mayor Campbell** said this report is very helpful.

**CM Kelley** mentioned that he had asked for this awhile ago; I would like to see it on all future advertisements and the hiring be brought back to council.

**CM Moore** asked do you want to see it prior to advertising. **Answer:** Yes, prior to advertising and prior to the position being filled. (**Kelley**)

**CM Couchman** said we didn't insist on an official hiring freeze but we want to review everything and approve everything before it goes out. And before you make a decision to even hire because it is important that we do that on an on-going basis.

**CM Moore** asked for clarification would you like that for both limited term and part time positions? As well as the full time because we do have some extra help. For instance, around Cattle Call time there was an item that came before me last week that is authorized budget expenditure. We proceeded with the regular 6 to 8 weeks time frame for those temporary part timers to commence work.

**P&R M Bonillas** said she wanted clarification. We have a process called a personnel requisition form, a department comes to me and tells me they need a person, we look at the budget staffing level and verify that there is an opening and we prepare the requesting paperwork. Nothing proceeds until all signatures are obtained on that document. Then we start advertising we open the position we put it on Cal Jobs or we might put it in the local newspaper. Nothing starts without a personnel requisition it doesn't matter if it's a temporary or regular worker.

**CM Kelley** said let me tell you what I am seeing here, it was on the agenda under regular business and that is actually the way I want to see it, then before anyone is offered a position and before the selection is complete, I want to see it back.

**CM Couchman** asked I think the question on the floor is if you are going to hire a temporary worker and not a regular employee. So how do we want to handle? My feeling is that we may be putting too much pressure on them in doing that, if it's a event like Cattle Call where you have to do a quick turn-around we may not have a meeting around that time frame, I would like to give the City Manager some leeway in that area with those real temporary type help situations.

**CM Nava** indicated that he would leave that to the City Manager's discretion. I think the intention was that full time positions would come before council. I am not sure that we need to see it again before they are hired. I certainly want to see it prior to approval of the position.

**CM Kelley** said that he thinks it should be seen twice because maybe between the times you go out to advertise for the position and the time it's going to be filled there could be changes. We need to be able to have that flexibility seeing it at both ends. That's my opinion but I am in concurrence on the temporary and part time employees.

**Mayor Campbell** mentioned that he can see something like that coming back on the consent agenda meaning the department has done their work and the City Manager. We can approve it

that way. Once you approve it and it's on the budget then you advertise for the job, when you are ready to fill it, then you can bring it back on the consent agenda.

**CM Kelley** mentioned that you have to talk about it if it's on the regular agenda.

**CM Couchman** said that he thinks it can be on the consent agenda but be prepared to have it pulled. I think that's probably what's going to happen. I think as long as it is on the agenda that's the important part.

**CM Moore** mentioned that one additional clarification that I think will be very helpful to staff is with regards to the two (2) vacant positions which are indentified as one Police Officer and one Dispatcher as well as the two recruitments in Public Works Department. Are you ready to proceed with the hiring of those individuals or do you want to keep them vacant?

**CM Nava** stated that we need to proceed with those hirers.

**CM Kelley** asked if they were already through the selection process. **Answer:** No, we just got the recent applications from a position that was the Wastewater Treatment Operator III that was open for over 2 months; we finally got an applicant who is willing to do the steps it takes to be qualified, as an in-house applicant. Then we also have a Water Treatment Operator III; they were recruited both publicly and in-house and we do have a few candidates to review but have not had an opportunity to sit with the department on those. (**Bonillas**)

**Mayor Campbell** asked if those were in-house. **Answer:** Possibly for the WTP Operator there is a candidate in-house? Does the MOU require that we look into in-house first? **Answer:** We just had a legal review on that and legal says we give preference to in-house candidates. (**Bonillas**)

**CM Couchman** mentioned that his concern with those WWTP III positions from the discussion before is that those are positions that are required; we are developing some talk with the State that require that we have someone of that level in the facility; that is something that we may have to go ahead and approve and proceed with. I think in the case of the other positions, we can look at each individual position.

**Mayor Campbell** mentioned to **CM Kelley** to satisfy his we could put something on the agenda each time for recruitment.

**CM Moore** stated that this report is proposed to be monthly it can be on the first meeting of the month or the second whichever one you prefer. (**Moore**)

**CM Kelley** said what he wants to see is the actual position; discussed and approved by the Council or denied by the Council. At this point right now we are talking about these types of changes in services; I think we need to discuss the positions every time before it goes out for recruitment and a selection is done.

**CM Moore** asked if you are okay seeing it in the format presented tonight or do you want to see it more specific with regards to the position? **Answer:** This is fine. (**Campbell**)

**PD Gillmore** mentioned that we are 41 days or so away from the election, from what I heard tonight it sounds like for now to continue processing a potential peace officer position; that is going to take a lot of my time, a lot of my staff's time and there's no way I am going to be able complete it in that amount of time. I informed the City Manager during my budget discussion that I internally froze all my positions. At this point we do have a dispatcher that's about ready to be cleared, however when this turns around she will be the first one to go, but I will do what you choose. If you want me to hire that individual and then turn around in a short amount of time and layoff that individual as well as go through all the steps on hiring a peace officer when we are going to find out that on November 9<sup>th</sup> the potential that we will not have the funding to employ them I would prefer to wait but it's up to you.

**CM Nava** stated that it does not necessarily mean that we are going to lay off people right after the election. The funding will continue for a period of time and you could have officers leave as well so there is that possibility.

**CM Couchman** said I honestly think that the Department Heads have to use a certain judgment in that situation. We had approved the position at least on the Council side. The department head can say to us, "I would like to freeze those positions for right now because I see some issues later on," and we would listen to that argument. That certainly is a valid argument with me. If that's going to be a problem for you, then you can come back and tell me that. I'm willing to go along with that

**CM Nava** mentioned that on the Wastewater Treatment Operator position we need to move forward.

**CM Kelley** stated that in the selection process bring it back; even though it's budgeted, it doesn't mean it's written in stone.

**P & R M Bonillas** said those two positions are from the Enterprise Funds. For the WWTP Operator none of the candidates have been selected but can be held with no problem because it's from the Enterprise Funds and we need those bodies due to water requirements.

**CM Moore** indicted she needed additional clarification, as I understand those positions which appear on this report you are in favor of us proceeding with unless the Department Head wishes to freeze them while waiting for the results of the outcome of the election. Then for those positions which are featured on this table prior to their ultimate hiring the consensus of this body is that the decision comes back to you one more time? **Answer:** Yes. (**Council**)

## **1. CONSENT AGENDA**

The consent agenda was **approved** as followed: m/s/c Kelley/Couchman 5-0

<b>AYES:</b>	Campbell, Couchman, Kelley, Miranda, Nava
<b>NAYES:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	None

- a. **Approval** of Accounts Payable Registers: August 31, 2011, September 9, 2011, September 15, 2011.
- b. **Adopt** Resolution No. 2011-42: Resolution of the City Council of the City of Brawley, California to approve a list of projects and revise the original expenditure plan to utilize the remainder of the City's apportionment of Proposition 1B funding from the State of California Department of Finance to be used on eligible transportation projects within the City of Brawley.
- c. **Adopt** Resolution No. 2011-43: Resolution of the City Council of the City of Brawley, California to approve a list of projects and revise the original expenditure plan to utilize the remainder of the City's apportionment of Proposition 1B funding from the State of California Department of Finance to be used on eligible transportation projects within the City of Brawley.
- d. **Authorize** agreement with STK Architects for the preparation of plans, specifications, and cost estimates for the construction of the City of Brawley Emergency Operations Center (EOC).
- e. **Award** bid to Hazard Construction Company for Project No. 2011-13 Airport Taxiway Rehabilitation for an amount of \$1,549,348.00 and authorizes the City Manager to execute all documentation in relation to this project.
- f. **Approval** for City Clerk to attend the League of Cities City Clerk's New Law and Leadership Conference in Long Beach, California from November 30, 2011 thru December 2, 2011.
- g. **Authorize** budgeted item for 2011/2012 approval for annual payment of \$17,172.17 to the Imperial Valley Waste Management Task Force.

**2. REGULAR BUSINESS**

- a. **APPROVE RESOLUTION NO. 2011-44: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA APPOINTING A TENANT COMMISSIONER FOR TWO (2) YEARS TO THE IMPERIAL VALLEY HOUSING AUTHORITY THAT ENDS JUNE 30, 2013.**

The council *motioned* to approve Resolution No. 2011- 44: Resolution of the City Council of the City of Brawley, California appointing Gustavo Solorzano as Tenant Commissioner for two (2) years to the Imperial Valley Housing Authority that ends June 30, 2013. m/s/c Kelley/Campbell 5-0

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**b. APPROVE RESOLUTION NO. 2011-45: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA APPOINTING TWO (2) MEMBERS TO FILL A TERM ON THE BRAWLEY AIRPORT COMMISSION THAT ENDS ON JUNE 30, 2013.**

The council *motioned* to approve Resolution No. 2011- 45: Resolution of the City Council of the City of Brawley, California appointing Thomas Hauvermale and Timothy E. Kelley to fill a term on the Brawley Airport Commission that ends on June 30, 2013. m/s/c Kelley/Campbell 5-0

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**c. APPROVE RESOLUTION NO. 2011-46: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA APPOINTING ONE (1) MEMBER TO FILL A VACATED TERM ON THE BRAWLEY PLANNING COMMISSION THAT ENDS JUNE 30, 2012.**

The council *motioned* to approve Resolution No. 2011-46: Resolution of the City Council of the City of Brawley, California appointing George A. Marquez to fill a vacated term on the Brawley Planning Commission that ends June 30, 2012. m/s/c Kelley/Campbell 4-0 Nava abstain

**AYES:** Campbell, Couchman, Kelley, Miranda  
**NAYES:** None  
**ABSTAIN:** Nava  
**ABSENT:** None

**d. APPROVE RESOLUTION NO. 2011-47: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA APPOINTING THREE (3) MEMBERS TO FILL TERMS ON THE BRAWLEY PLANNING COMMISSION THAT ENDS JUNE 30, 2015.**

The council *motioned* to approve Resolution No. 2011-47: Resolution of the City Council of the City of Brawley, California appointing Gerald “Jerry” Gauna, Eric Reyes and Ramon Sagredo to fill terms on the Brawley Planning Commission that ends June 30, 2015. m/s/c Kelley/Campbell 3-2 Couchman voting no and Nava abstain

**AYES:** Campbell, Kelley, Miranda,  
**NAYES:** Couchman  
**ABSTAIN:** Nava  
**ABSENT:** None

*CA Morita* stated that the ballots will be public record and will be in the Office of the City Clerk.

**e. DISCUSSION/ACTION ON UTILITY TAX – CONTINGENCY PLAN.**

***Staff Report – Rosanna Bayon Moore***

**CM Moore** presented a power point presentation. 2012-2013 plan if Measure K does not pass and we need to work on passing a General Fund Reserve Policy.

**CM Nava** stated that it's good work as far as the contingency plan. This is not even considering the reserves that we're using now. In reality, the figures are even much larger than just the cutbacks if we wouldn't have the Users Utility Tax revenues.

**CM Moore** indicated that this is an accurate assessment.

**PCC Eric Reyes** said that **CM Nava** is very correct. I was hoping that there will be a contingency plan regarding the on-going diminishing of our reserves. When that comes to a head, I think the public would have a better chance to say we really need this Measure because when the reserve funds are further depleted there will be more drastic cuts in the departments. I hope that we are prepared for that right now and give the public a chance to review that. My question is can you implement the 10% cut across the board or do you have to negotiate with each association because that will be an issue as well?

**P & R D Morgan** stated that there is an error in the typing in the presentation regarding the Parks and Recreation Department. There was a full time position as a Senior Coordinator and a Recreation Coordinator position that was omitted. It went through all the paperwork until this and the omission was an oversight I just want you to be aware of it. There's a reduction in both Parks and Recreation which are full time equivalent positions. I just wanted to clarify that and it's a \$31,000 reduction.

**PCC Reyes** indicated there was an ADA Transition Plan in the presentation, but there weren't any specifics as to what the savings were with the transition plan.

**PWD Arellano** mentioned that some of the projects that we have on the up-coming fiscal year under professional services will be affected by implementing the 10% across the board reduction. If the engineering division is cut we may not have enough to develop an ADA Transition Plan. An estimated figure is \$60,000 to \$100,000 and we have not selected a consultant to develop this plan.

**CM Moore** said she would like to provide one clarification to **Mr. Reyes's** question about the 10% reduction. When and if the Council wishes to move forward with a contingency plan and after legal review, we will conduct a revision with the MOU's with department heads to take a look at existing MOU's and some of the specific language that's in some of them regarding a layoff process and who goes first.

**CM Kelley** stated on a serious note this is very sobering but necessary and I applaud city staff in putting this information together. The public needs to know that if this Users Utility Tax doesn't pass, it will affect the public services. The way the contingency plan is, I believe we should

presume these actions are going to go. It doesn't mean certain items can't be reconsidered, but there are going to be tough decisions and a change on the level of service if we do not pass the UUT.

**CM Miranda** said that he truly believes the mission that we have in the City of Brawley "Working Together with Pride" and if all Brawley residents and those that are not residents but have friends and relatives in this community if we all come together and walk the streets before the November 8<sup>th</sup> election and pass out the word this dream can become a reality as far as Measure K it comes out a winner. Employees need to know this can be a catastrophe if it doesn't pass. But I am very positive and I know we are going to come together and pull this through for our beautiful City and the services that we provide.

**CM Couchman** said we have been talking about this a lot, but without real numbers to work with it has been real difficult to inform the public as to what the results of not having the Utility Users Tax would be. This clearly does that and I realize that this is a contingency plan, it can change, it can get worse and it can get better. That's why we need to plan; we want people to be aware of what can happen it clearly affects law enforcement, every department and services. We certainly will revisit this as we move through this process. Certainly the UUT is still in place until 2013 and certainly we will be looking at all these issues and dealing with the departments too. I don't want people to go out panicking and not fulfilling their obligations as far as it goes right now and getting too excited about this in a negative way. I want people to be concerned, but I don't want city staff to think we are implementing this tomorrow. Eventually we will reach a solution with this. I applaud everyone for the work that they have done as far as department heads coming together with these figures.

**CM Nava** stated this has been the most comprehensive plan that I have seen so far. We have met with different groups throughout the community and have talked about the fact that there will be cutbacks. We mention Parks & Recreation and other departments. You can see this is comprehensive and where reductions will take place. I am proud of staff coming together to make this happen. I know there were difficult decisions and raw feelings within that discussion. But I also think it is important for the public to be aware of what is proposed in the reductions and it is certainly important for them to see. One thing I don't want is for us to use this as a scare tactic for the public. I encourage everyone to take a look at this plan and I believe we should put it on the city website just for the public to access and review it to see if there are questions for council and city staff.

**Mayor Campbell** mentioned in meeting with **CM Moore** and talking to Department Heads throughout this process, I know it's tough to sit down and start crunching these numbers and you realize how it affects people and their families. Our staff has done a fairly good job under the circumstances in bringing numbers forward to what we have to look at and I think it's our job and everybody's job to go out to convince the public how important this Measure is. We put together several workshops with different groups of people and some people showed up but didn't get the feeling to what the impact is going to be if this Measure fails. This is not a scare tactic, this is real. I want to commend all the staff, the city manager and everyone involved in this and believe me in talking to staff it was a painful experience. I appreciate your hard work and honesty and integrity to keep this city solvent and again thanks.

**CM Moore** stated that she would like to continue along with further refinement; or do you want to leave it as is with a short fall indentified or how would you like us to proceed? **Answer:** I think it's probably best to leave it like it is for now and put it on the website and get a really good feel for what's happening as we continue to work to try to get the Measure passed. (**Campbell**)

**CM Nava** indicated that there should be some consideration to the reserves and how we are using them and how we are implementing them. We may have some scenarios with that in mind. (**Nava**)

**CM Moore** asked if you would like to wait until October or push this out until after the elections. What about the general reserve policy? **Answer:** I think that will be a better to review later but certainly we need to work on that. (**Nava**)

**Mayor Campbell** asked what we ended up with \$1.2 million in the reserves. **Answer:** We closed the books for June 30, 2011 at a little over \$1 million in utilization on the reserves. (**Walla**)

**CM Nava** asked if the budget was for \$1.4 million. **Answer:** Yes that is what we projected in using from the reserves. (**Walla**)

**CM Kelley** stated that he had a comment to make a request to the City Manager in regards to having this information available. I will completely support having it available for the public either through website or through the city offices. In regards to the reserves deficit that we continue to draw, I would want to wait on that debate for 60 days and to wait on the ratification to what's happening until after the November elections.

### **3. COUNCIL MEMBERS REPORTS**

- a. **CM Nava** said he attended the League of California Cities in Sacramento.
- b. **CM Miranda** mentioned that from the 7 thru the 9 of September he attended the first annual international real estate conference in San Diego, he also attended the Chamber Mixer and I just want to remind everyone to go out and vote on November 8<sup>th</sup>.
- c. **CM Couchman** stated he also attended the League of California Cities in Sacramento and attended a lot of committee meetings and gathered a lot of information.
- d. **Mayor Campbell** said he attended the candidates forum at Hidalgo Hall, met with the people from Simbol Materials and they will be having their ribbon cutting tomorrow at 10:00 AM.

**4. CITY MANAGER REPORT**

- a. *CM Moore* mentioned she has had a very busy two weeks. I met with National Beef and hoping to have positive meetings with staff in the coming weeks.
- b. *CM Moore* asked how you would like to communicate. Is email fine if so, I will be emailing you once a week on any updates. *Answer: Yes. (Council)*

**5. CITY ATTORNEY**

- a. *CA Morita* said he just wanted to mention that all Annual League of Cities Conference is on the website with information on the conference.

**6. ADJOURNED TO CLOSED SESSION**

**REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY.**

None to report

**ADJOURNMENT** @ 7:40 PM

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*Alma Benavides*