

CITY OF BRAWLEY
October 18, 2011

The City Council of the City of Brawley, California met in Regular 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* @ 6:01 PM

The invocation was offered by *Pastor Tom Charlton, Full Gospel Church*

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

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

APPROVAL OF AGENDA

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

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

1. PUBLIC APPEARANCES/COMMENTS

Thomas Charlton of Brawley mentioned that after the windstorm we had two weeks ago a lot of tumbleweeds and debris piled up in a vacant lot next to his property. He would appreciate it if someone would go take a look

Mayor Campbell directed staff to take care of it.

Angelica Cruz stated that they are preparing for Nursing School and this is one of their internships. To raise funds, they will be having a food drive called, "Make Hunger Less Than A Number." Each month thousands of local residents are faced with a difficult decision about how to put food on the table. 29,681 residents of the Imperial Valley are living below poverty level which is equivalent to 22.6%. Families choose to pay bills over providing food. The food insecurity rate = 31.4% which is the highest in state and nation. 31.4% depend on food donations. The Food Bank is helping as well. This is sponsored and authorized by Mrs. Estrada, HOSA organization. We talked to Manuel Castro and he recommended we attend Council meeting and present this to you and ask if you can support us by placing bins in different locations. I want to thank Police Chief Mark Gillmore for letting us place a bin at Police Department, as well as Fire Chief Contreras and Library. We have fact sheets that we can leave.

CM Nava really enjoyed the presentation and was informative.

CM Kelley we have supported their toy drive last year, so let's try to do it again.

CM Miranda been a very successful program; program is run by Inez Estrada. I encourage young people to be involved.

CM Couchman remarkable program and we can support you.

Mayor Campbell indicated to *Ms. Ruvalcaba* to get with the City Clerk to make the necessary arrangements.

a. LEE QUARCELINO ANNOUNCING "VETERAN'S DAY EVENT" BEGINNING AT 10:00 AM ON 11.11.11 AT THE VETERAN'S WALL OF HONOR.

Lee Quarcelino came to announce the "Veteran's Day Event" that will take place at the Veterans Wall of Honor on Friday, November 11, 2011 starting at 10:00 AM. It will be a one of kind ceremony and hopefully everyone will come and invite their families, friends and neighbors.

2. DEPARTMENT REPORTS

a. AB109: CRIMINAL JUSTICE ALIGNMENT – MARK GILLMORE, POLICE CHIEF.

PC Gillmore stated that he wanted to give a brief update on AB109 Criminal Justice Alignment. The changes are to increase criminal shelters locally vs. at state prisons. We don't have a locally run program. For many, instead of prison or jail time, the criminal will be under their probation officer. It is anticipated that 194 will be released from prison or sentenced by a judge to serve time at the Imperial County jail from now thru June of 2012. Local Law Enforcement, Chief of Probation, District Attorney Office and other entities will be working together because the Imperial Valley will need \$1.29 million to implement program. What does this mean to Brawley? It will put subsequent costs to us. With reduced local jail capacity, the jail will not accept misdemeanors. Brawley will not arrest, but cite them. They will be given a ticket and released with an appointment to appear in court. There are few alternative, but to deal with it as it comes.

Mayor Campbell asked if they were inmates from Calipatria and Centinela? *Answer:* Yes and they are trying to get them into a program. (*Gillmore*)

Mayor Campbell asked if when they are released do they have to return back to where they resided? *Answer:* Released to the County where the crime was committed. (*Gillmore*)

CM Miranda mentioned that there were 11 prisons and they can come from any of those prisons.

Mayor Campbell asked if this is the beginning? *Answer:* Yes (*Gillmore*)

CM Kelley asked how long ago did we know? *Answer:* I believe it was signed June 1st and the releases will start October 1st. (*Gillmore*)

CM Kelley does the County have a plan yet? *Answer:* No, all entities are working together. (*Gillmore*)

**b. BRAWLEY PUBLIC LIBRARY BOOK SALE, SATURDAY, OCTOBER 22, 2011-
MARJO MELLO, LIBRARY DIRECTOR.**

LD Mello invited everyone to the “Friends of the Library” book sale next Saturday from 9:00 – 2:00 PM.

**c. ALLIED FALL CLEAN-UP, SATURDAY, OCTOBER 22, 2011 – YAZMIN
ARELLANO, PUBLIC WORKS DIRECTOR.**

PWD Arellano mentioned to everyone in the audience of the Annual Fall Clean-Up coming this Saturday, October 22, 2011 from 7:00 am – 2:00 pm at the Brawley Airport.

**d. ROOF REPAIR PROJECT/CALIFORNIA JPIA COVERAGE FOR FOUR (4)
STRUCTURES, ADMINISTRATION BUILDING, CITY HALL, LIBRARY AND
BRAWLEY FIRE DEPARTMENT - SHIRLEY BONILLAS, PERSONNEL &
RISK MANAGEMENT ADMINISTRATION.**

Staff Report - Shirley Bonillas

Four buildings experienced water damage from the August 27, 2010 thunderstorm/hail storm. Although these buildings were aged, the hail caused additional damage. A claim was filed and the CJPIA responded by sending a claims adjuster and an inspector to evaluate the extent of the damage. The California JPIA paid the City \$39,745.25 for damages.

**e. ANNUAL EMPLOYEE APPRECIATION EVENT – SHIRLEY BONILLAS,
PERSONNEL & RISK MANAGEMENT ADMINISTRATION.**

Staff Report – Shirley Bonillas

Each year a committee is formed to plan the Employee Appreciation Event, our budget is \$5,000 excluding service awards estimated at an additional cost of \$1,500. The committee has met several times and discussed different scenarios and recommends a luncheon event. This is preferred for many reasons such as lower cost, strong attendance and no overtime for set-up and clean-up. The proposed date is Wednesday, January 25, 2011 and the committee is proposing closures of City offices from 11:30 AM – 1:30 PM to allow maximum attendance. Employees who are service award recipients are welcome to invite their spouse/guest with an RSVP. An Evening Event is an attractive alternative, but poses some issues. There is interest in alcohol being served at the event which involves liability issues. The cost breakdown includes a buffet dinner, a DJ for dancing and the assumption that alcohol is allowed. It is noted that this alternative involves the added consideration of transportation to and from the event.

Mayor Campbell stated that we need to steer away from an evening event.

CM Kelley mentioned that if we do an evening event we just need to put on there that it's a "No host Bar"

CA Morita indicated that he needs to look into it.

The council *motioned* to leave as a Luncheon Event. m/s/c Nava/Kelley 5-0

3. CONSENT AGENDA

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

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

- a. *Approval* of Accounts Payable Registers: August 12, 2011 and September 29, 2011.
- b. *Adopt* 2nd reading of Ordinance No. 2011-06: Ordinance of the City Council of the City of Brawley, California repealing and reenacting Chapter 6 relating to building regulations.
- c. *Approve* contract with ICF Jones & Stokes, Inc. for Service Area Plan (SAP) Update.
- d. *Approve* request to allow Brawley Elks Club to sell and consume alcohol on a city street from Friday, November 11, 2011 to Saturday, November 12, 2011 as part of the community's annual Cattle Call festivities.
- e. *Approve* Emergency Communication Digital Recording Purchase.
- f. *Approve* from Sempra Energy/The Gas Company to serve beer & wine at "The Party on the Bluff" during Cattle Call Saturday, November 12, 2011.

4. PUBLIC HEARING

- a. **PUBLIC HEARING: TO AMEND THE BRAWLEY MUNICIPAL CODE RELATING TO REAR YARD SETBACKS AND FRONT YARD SETBACKS FOR CARPORTS.**

Staff Report – Gordon Gaste, Planning Director

Per the Planning Commission's request, staff has researched other ordinances in the region pertaining to the rear yard setback for primary buildings and the front yard setback for carports.

PUBLIC HEARING OPENED @ 6:45 PM

There were no written comments received by the City Clerk and no one present to comment.

PUBLIC HEARING CLOSED @ 6:47 PM

The council *motioned* to adopt **ORDINANCE NO. 2011-07: ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, AMENDING THE BRAWLEY MUNICIPAL CODE RELATING TO REAR YARD SETBACKS AND FRONT YARD SETBACKS FOR CARPORTS.** m/s/c Nava/Kelley 5-0

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

5. REGULAR BUSINESS

a. APPROVE BUDGET ADJUSTMENT FROM THE GENERAL FUND TO THE ANIMAL CONTROL PROFESSIONAL SERVICES ACCOUNT IN THE AMOUNT OF \$9,053 FOR THE CITY'S PARTICIPATION IN A COUNTYWIDE ANIMAL SHELTER NEEDS ASSESSMENT STUDY.

Staff Report – Yazmin Arellano, Public Works Director

The City of Brawley entered into an MOU with the County of Imperial and the cities of Calexico, El Centro, Holtville, Imperial and Westmorland to perform a needs assessment for an animal shelter on July 29, 2011.

The County issued a request for proposals and selected Animal Arts Design Studios, Inc. to perform the study. The total project cost is \$59,580 to be shared according to a cost sharing arrangement based on City and County population percentages. The amount that Brawley is responsible for \$9,053.

CM Kelley asked if this was for the feasibility study in 2006 with support of other cities. *Answer:* Yes.

PWD Arellano stated that in 2009 they did a scope of work and received qualifications.

CM Kelley stated that there are still talks for regional animal control and the County Health Department and Public Works Department are working on it.

CM Moore mentioned that we had entered into this agreement back in July with different cities. The council *motioned* to approve the budget adjustment from the general fund to the animal control professional services account in the amount of \$9,053 for the city's participation in a countywide animal shelter needs assessment study. m/s/c Kelley/Couchman 5-0

b. DISCUSSION AND ADOPTION OF RESOLUTION NO. 2011-48: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA REASSIGNING THE POSITION OF THE RECORDS ADMINISTRATOR AS A CITY EMPLOYEE REPORTING TO THE CITY MANAGER.

Staff Report – Rosanna Bayon Moore, City Manager

At the meeting of October 4, 2011, the City Council provided direction to the City Manager to proceed with a change in the reporting relationship of the Records Administrator. The City Council also indicated that a local ballot measure would be pursued in the future that proposes to redefine the City Clerk and City Treasurer positions to City Council appointments.

It is noted that the duties and responsibilities of the City Clerk shall be those functions and duties as set forth by the statutes of the State of California for the City Clerks in a General Law Cities of the State of California.

The council *motioned* to adopt Resolution No. 2011-48: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA REASSIGNING THE POSITION OF THE RECORDS ADMINISTRATOR AS A CITY EMPLOYEE REPORTING TO THE CITY MANAGER. m/s/c Kelley/Nava 5-0

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

c. ADOPT RESOLUTION NO. 2011-49: 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 SUCH FURTHER ACTION AS MAY BE NECESSARY IN RESPONSE THERETO.

Staff Report – Yazmin Arellano, Public Works Director

The City has a 16-inch cast iron water pipeline and an 8-inch cast iron water pipeline on First Street between State Route 86 and D Street. This section of the water distribution system has had two major water breaks in the last six years. Each occurrence has resulted in a complete shutdown of the City's Water Treatment Plant's Distribution pumping station and water pressure reduction throughout the City. The unscheduled water outages occurred in 2005 and 2009 with an approximate duration of 6 to 8 hours each. The total scope of work is as follows:

1. Replace two 16-inch valves (SR86 and First Street; D Street and First Street)
2. Replace two 14-inch valves (D Street and First Street; D Street and 2nd Street)
3. Replace two 8-inch valves (SR86 and First Street; SR 86 and 2nd Street)
4. Dig and excavate 6 – 8 x 8 foot pits to expose and replace valves.
5. Install valve risers and cans

6. Re-compact with Class II base and patch with cold mix

Mayor Campbell stated that he wanted to commend staff.

PWD Arellano mentioned that on Wednesday and Thursday, that they will be running a skeleton crew as the experienced staff will be working at night to accomplish these goals..

The council *motioned* to adopt Resolution No. 2011-49: 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 such further action as may be necessary in response thereto. m/s/c Kelley/Nava 5-0

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

d. AUTHORIZE AGREEMENT WITH AWS FOR SLUDGE REMOVAL FROM SEDIMENTATION POND 1 AT THE CITY'S WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$399,233.

Staff Report – Ruben Mireles, Operations Division Manager

The City's Wastewater Treatment Plant S1 Lagoon needs to be dredged and the sludge pumped and removed to Lagoon S2. This task is required to continue with the final phase four of the WWTP Improvement Project. The S1 Lagoon will then be converted into a flow equalization basin and will also be the future site for the expansion of the WWTP. The City will save approximately \$100,000.00 by completing this work and will reduce delay in construction costs in the final phase of the WWTP Improvement Project. Once the sludge is removed, C.W. Roen can then proceed to construct the flow equalization basin and complete the final site grading and asphalt work in and around the plant by placing the excess soil in the equalization basin.

C.W. Roen submitted a change order request of \$500,000.00 to remove the sludge that included a contract with AWS, C.W. Roen profit and overhead, and delay costs. C.W. Roen had proposed a startup date of November 21, 2011. This cost has been deemed to be excessive by staff and the City's Resident Engineer from Lee and Ro. In addition, the City will be contracting directly with AWS which will reduce anticipated delays. It is anticipated that the sludge dredging will take approximately 6 weeks with mobilization beginning in the week of October 24, 2011. The dredging should be completed by December 5, 2011, eliminating approximately one month in delays.

CM Kelley asked if it was a delay of 90 days? *Answer:* As of 7-11-2011 we are meeting requirements. (*Mireles*)

CM Moore we looked at different alternatives; time/cost and looked into it with SFR/RWQCB.

The council *motioned* to authorize agreement with AWS for Sludge Removal from Sedimentation Pond 1 at the City's Wastewater Treatment Plant in the amount of \$399,233. m/s/c Kelley/Couchman 5-0

6. COUNCIL MEMBERS REPORTS

- a. **CM Nava** said he attended the Joint Chamber Mixer that took place in Brawley this year.
- b. **CM Miranda** mentioned that he attended fellow **CM Nava's** wedding, the Boxing Exhibition for the Anthony Garcia Foundation and the luncheon in Riverside to receive the 2011 Excellence Award.
- c. **CM Couchman** stated he also attended **CM Nava's** wedding, the Boxing Exhibition, the Joint Chambers Mixer. I want to see if I can get provided with a status report on the "No Truck Parking Signs.
- d. **Mayor Campbell** said he attended the Villa Fortuna Grand Opening, the Joint Chamber Mixer, tour at the Wastewater Treatment Plant and SCAG meeting in downtown LA. I would also like to thank the citizens of Brawley and Hidalgo Society for their hard work to make Arianna's Ruiz fundraiser for medical costs a success.
- e. **CM Kelley** also attended the Joint Chamber Mixer, Cattle Call Queen Coronation, SCAG meeting and a funeral for a friend, Johnny Fernandez.

7. CITY MANAGER REPORT

- a. **CM Moore** mentioned she had met with Ryan Johansen and Denise Smith from the Brawley Chamber of Commerce. We will go to a paperless agenda starting in January. The Water Treatment Plant Operator recruitment has 2 finalists. If the existing employee is promoted, another opportunity will open up.

8. ADJOURNED TO CLOSED SESSION

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

None to report

ADJOURNMENT @ 7:30 PM

Alma Benavides