

**MINUTES
CITY COUNCIL
CITY OF IMPERIAL
JUNE 17, 2020**

THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S
EXECUTIVE ORDER N-29-20

A. CITY COUNCIL CONVENED TO CLOSED SESSION AT 5:30 PM

A-1. SUBJECT: PUBLIC EMPLOYEE APPOINTMENT 54957 (b) (1)
TITLE: City Manager

A-2. SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION 54954.5 (e)
TITLE: City Manager

**A-3. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION (Section 54956.9 (d))**

Significant exposure to litigation (1 potential case)

**A-4. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION 54956.9(c)**

Initiation of litigation (1 potential case)

A-5. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

City of Imperial v. Western Insurance Company, et al
SDSC Case No. 37-2011-00083094-CU-CO-CTL

CITY COUNCIL ADJOURNED CLOSED SESSION AT 6:50 PM.

B. CITY COUNCIL RE-CONVENED TO OPEN SESSION

**COUNCIL MEMBERS PRESENT: AMPARANO, DALE, EUGENIO, TUCKER, AND
PECHTL**

**OTHER OFFICIALS PRESENT: CITY ATTORNEY MORITA, CITY CLERK
JACKSON, ASSISTANT CITY MANAGER BROWN,
PUBLIC SERVICES DIRECTOR LOPER*, FIRE
CHIEF ESTRADA*, POLICE CHIEF BARRA*, IT
DIRECTOR ESTRADA, COMMUNITY SERVICES
DIRECTOR HALLER*, PARKS SUPERVISOR
LOPEZ*, COMMUNITY DEVELOPMENT
DIRECTOR MORA*, AND POLICE CAPTAIN
LUNA*.**

*remote participation

MAYOR PECHTL called the meeting to order at 7:00 pm and the Pledge of Allegiance was led by Councilman Tucker.

ADJUSTMENTS TO THIS AGENDA:

Staff requested Item D-2, Treasurers' Report be tabled to a future meeting.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:

City Attorney Morita announced that no reportable action was taken in Closed Session.

C. PUBLIC APPEARANCES:

C-1. Matters not appearing on the agenda.

Ray Roben, local real estate broker and developer addressed Council with ideas and suggestions for the abandoned hotel project. He would like to see the property re-zoned to allow for housing for seniors.

Marian Long, Imperial resident sang a song that she wrote in appreciation of our city government.

C-2. Matters appearing on the agenda.

None.

D. CONSENT AGENDA:

D-1. Approval of claims/warrants report.

D-2. Approval of Treasurers' Report for month of May 2020.

D-3. Approval of minutes for Regular and Special meetings: April 28, 2020, May 6, 2020, May 7, 2020, May 13, 2020, and May 18, 2020.

D-4. Approval to submit letter of support for Imperial Valley Business Recovery.

D-5. Approval to submit letter to CalEPA and CalRecycle regarding Local Government Regulatory Relief in Response to COVID-19 Pandemic.

Motion by AMPARANO, second by DALE to approve Consent agenda withholding warrant 93656 and item D-2.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

Motion by DALE, second by AMPARANO to approve warrant 93656 payable to JT Towing.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: TUCKER

ABSENT: NONE

MOTION CARRIED 4-0

E. ACTION ITEMS:

E-1. SUBJECT: EMERGENCY AT WASTEWATER TREATMENT PLANT – MANHOLES.

1. SUSPEND THE EMERGENCY.

Motion by AMPARANO, second by DALE to suspend the emergency.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

E-2. SUBJECT: WATER TREATMENT PLANT – PLATE SETTLER REPLACEMENT PROJECT – BID NO. 2020-04

1. AWARD BID TO SPIESS CONSTRUCTION CO. INC. IN THE AMOUNT OF \$839,800.00.

Motion by AMPARANO, second by DALE to award the bid to Spiess Construction Co.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

E-3. SUBJECT: CITY CONFLICT OF INTEREST CODE – BIENNIAL REVIEW.

1. PROVIDE DIRECTION TO REVIEW THE CONFLICT OF INTEREST CODE.

Motion by DALE, second by AMPARANO to direct staff to conduct review of the code.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

E-4. SUBJECT: FISCAL YEAR 2018-2019 AUDITS.

1. ACCEPTANCE OF FY 18-19 SINGLE AUDIT REPORT FOR FILING.

Motion by DALE, second by TUCKER to accept the Single Audit for filing.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

2. ACCEPTANCE OF FY 18-19 TRANSPORTATION DEVELOPMENT ACT (TDA) AUDIT FOR FILING.

Motion by AMPARANO, second by TUCKER to accept the TDA audit for filing.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

E-5. SUBJECT: MUNICIPAL BUDGET FOR FISCAL YEAR 2020-2021.

1. PRESENTATION/OVERVIEW OF MUNICIPAL BUDGET FOR FISCAL YEAR 2020-2021.

2. APPROVAL OF RESOLUTION NO. 2020-32, ADOPTING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2020-2021.

Motion by TUCKER, second by AMPARANO to table the item to the next meeting.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

E-6. SUBJECT: EMPLOYMENT AGREEMENT – CITY MANAGER

Assistant City Manager Brown reported that the terms of the agreement include a 3-year term from July 1, 2020 through June 30, 2023 and an annual salary of \$155,000.00.

1. APPROVE EMPLOYMENT AGREEMENT BY AND BETWEEN THE CITY OF IMPERIAL AND DENNIS H. MORITA.

Motion by TUCKER, second by AMPARANO to approve the Employment Agreement.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

E-7. SUBJECT: DISCUSSION/ACTION: UPDATE OF COVID-19 PANDEMIC.

Reported on the meeting held earlier in the day with state officials on moving forward with re-opening the county. The county is unable to move past the Stage 2 Lower Risk at this time.

F. REPORTS:

F-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.

TUCKER stated that he fully supports our city's police department and fire department in light of current events and the calls for defunding of police departments nation-wide.

DALE spoke on a personal level on the impacts that the closure of businesses has and continues to have on the local economy and livelihoods.

AMPARANO congratulated both the Frank Wright Middle School and Imperial High School graduates. Glad the city was able to assist with the high school's drive through graduation.

EUGENIO thanked Dennis for his service during this time offered congratulations on becoming City Manager.

PECHTL echoed praise and support for our police department as well as county sheriff and fire departments. He encouraged everyone to exercise common sense in their personal lives to stay well and not spread the virus.

F-2. SUBJECT: CITY MANAGER REPORT

Morita commented on the past few months as Interim City Manager and is thankful for the opportunity to serve as City Manager.

F-3. SUBJECT: DEPARTMENT REPORTS.

Several department heads congratulated Mr. Morita on his appointment as City Manager.

Parks Superintendent Lopez informed Council the Sky Ranch wall project was completed last week.

ACM Brown informed everyone that the Census drive through parade will take place on Saturday June 20, 2020. The city is currently at a 60% response rate to the census.

CITY COUNCIL MEETING ADJOURNED AT 8:20 PM UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, JULY 1, 2020 AT 7:00 P.M.

**MINUTES
CITY COUNCIL
CITY OF IMPERIAL
JULY 1, 2017**

THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S
EXECUTIVE ORDER N-29-20

COUNCIL MEMBERS PRESENT: AMPARANO, DALE, EUGENIO, TUCKER (REMOTE), AND PECHTL

A. CITY COUNCIL CONVENED TO CLOSED SESSION.

**A-1. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION (Section 54956.9 (d))**

Significant exposure to litigation (1 potential case)

CITY COUNCIL ADJOURNED CLOSED SESSION

B. CITY COUNCIL CONVENED TO OPEN SESSION

COUNCIL MEMBERS PRESENT: AMPARANO, DALE, EUGENIO, AND PECHTL

COUNCIL MEMBERS ABSENT: TUCKER

**OTHER OFFICIALS PRESENT: CITY MANAGER MORITA, ASSISTANT CITY
MANAGER BROWN*, PUBLIC SERVICES DIRECTOR LOPER*, IT DIRECTOR ESTRADA,
COMMUNITY SERVICES DIRECTOR HALLER*, POLICE SGT. SHEFFIELD*,
ADMINISTRATIVE SERVICES DIRECTOR GUTIERREZ*, COMMUNITY DEVELOPMENT
DIRECTOR MORA*, CITY CLERK JACKSON, AND PARKS SUPERINTENDENT LOPEZ***

*remote participation

MAYOR PECHTL called the meeting to order at 7:07 pm and the Pledge of Allegiance was led by City Manager Morita.

ADJUSTMENTS TO THIS AGENDA:

City Manager removed Item F-3 and it will be considered at an adjourned meeting.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

None.

C. PUBLIC APPEARANCES:

C-1. Matters not appearing on the agenda.

None.

C-2. Matters appearing on the agenda.

Bret Peace, March & Ash was present for item E-5.

D. CONSENT AGENDA:

- D-1. Approval of claims/warrants report.
- D-2. Approval of Treasurers' Report for the month of May 2020.
- D-3. Approval of Resolution No. 2020-33, Determining and Levying the Special Taxes for City of Imperial Community Facilities District No. 2004-01 (Victoria Ranch).
- D-4. Approval of Resolution No. 2020-34, Determining and Levying the Special Taxes for City of Imperial Community Facilities District No. 2004-2 (Mayfield).
- D-5. Approval of Resolution No. 2020-35, Determining and Levying the Special Taxes for City of Imperial Community Facilities District No. 2004-3 (Bratton).
- D-6. Approval of Resolution No. 2020-36, Determining and Levying the Special Taxes for City of Imperial Community Facilities District No. 2005-1 (Springfield).
- D-7. Approval of Resolution No. 2020-37, Determining and Levying the Special Taxes for City of Imperial Community Facilities District No.2006-1 (Monterrey Park).
- D-8. Approval of Resolution No. 2020-38, Determining and Levying the Special Taxes for City of Imperial Community Facilities District No. 2006-2 (Savanna Ranch).

Motion by DALE, second by AMPARANO to approve the Consent Agenda as presented.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER

MOTION CARRIED 4-0

E. PUBLIC HEARINGS:

Scott Koppel, Koppel & Gruber was in attendance remotely to answer any questions for Items E-1, E-2, and E-3.

E-1. SUBJECT: PUBLIC HEARING: IMPERIAL LIGHTING MAINTENANCE DISTRICT NO. 1 (WILDFLOWER NO.8/PASEO DEL SOL SUBDIVISIONS).

The Public Hearing was opened at 7:15 PM, there being no comments from members of the public, and the hearing was closed at 7:16 PM.

1. APPROVAL OF RESOLUTION NO. 2020-39, APPROVING THE ENGINEER'S REPORT.

Motion by AMPARANO, second by EUGENIO to approve Resolution No. 2020-39.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER

MOTION CARRIED 4-0

2. APPROVAL OF RESOLUTION NO. 2020-40, ORDERING THE LEVYING AND COLLECTION OF ANNUAL ASSESSMENTS.

Motion by AMPARANO, second by DALE to approve Resolution No.2020-40.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER

MOTION CARRIED 4-0

E-2. SUBJECT: PUBLIC HEARING: IMPERIAL LANDSCAPE MAINTENANCE DISTRICT NO. 1 (WILDFLOWER NO. 8/PASEO DEL SOL SUBDIVISIONS).

The Public Hearing was opened at 7:17 PM, there being no comments from members of the public the Hearing was closed at 7:18 PM.

1. APPROVAL OF RESOLUTION NO. 2020-41, APPROVING THE ENGINEER'S REPORT.

Motion by DALE, second by AMPARANO to approve Resolution No. 2020-41.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER MOTION CARRIED 4-0

- 2 APPROVAL OF RESOLUTION NO. 2020-42, ORDERING THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS.

Motion by EUGENIO, second by AMPARANO to approve Resolution No. 2020-42.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER MOTION CARRIED 4-0

E-3. SUBJECT: PUBLIC HEARING: IMPERIAL LANDSCAPE MAINTENANCE DISTRICT NO. 2 (SKY RANCH SUBDIVISION, ZONE 2005-03).

The Public Hearing was opened at 7:19 PM. There being no comments from members of the public, the Hearing was closed at 7:20 PM.

1. APPROVAL OF RESOLUTION NO. 2020-43, APPROVING THE ENGINEER'S REPORT.

Motion by AMPARANO, second by DALE to approve Resolution No. 2020-43.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER MOTION CARRIED 4-0

2. APPROVAL OF RESOLUTION NO. 2020-44, ORDERING THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS.

Motion by EUGENIO, second by DALE to approve Resolution No. 2020-44.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER MOTION CARRIED 4-0

E-4. SUBJECT: PUBLIC HEARING: AMENDMENT TO MUNICIPAL ORDINANCES REGARDING SIGNAGE.

The Public Hearing was opened at 7:21 PM. There were no comments from the public and the hearing was closed at 7:22 PM.

1. INTRODUCTION AND FIRST READING BY TITLE ONLY OF ORDINANCE NO. 806 AMENDMENTS TO CHAPTER 3, SECTION 3-2, AND CHAPTER 24 SECTIONS 24.16.030, 24.16.050 AND 24.16.080.

Motion by DALE, second by EUGENIO to hold first reading of Ordinance No. 806 by title only.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER MOTION CARRIED 4-0

2. PROVIDE DIRECTION TO STAFF TO PREPARE A SUMMARY OF ORDINANCE FOR PUBLICATION PURPOSES.

Motion by DALE, second by EUGENIO to direct staff to prepare a summary of the ordinance.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER MOTION CARRIED 4-0

E-5. SUBJECT: PUBLIC HEARING: ADULT-USE CANNABIS DISPENSARY ORDINANCE AND ZONING TEXT AMENDMENT.

Spencer Andrews and Bret Peace, March & Ash was present to answer questions.

The Public Hearing was opened at 7:23 PM. There were no comments from members of the public and the Hearing was closed at 7:24 PM.

1. INTRODUCTION AND FIRST READING BY TITLE ONLY OF ORDINANCE NO. 807 PROVIDE FOR SPECIFIED COMMERCIAL CANNABIS ACTIVITY.

Motion by DALE, second by EUGENIO to hold first reading of Ordinance No. 807 by title only.

AYES: DALE, EUGENIO, AND PECHTL

NOES: AMPARANO

ABSTAIN: NONE

ABSENT: TUCKER MOTION CARRIED 3-1

2. INTRODUCTION AND FIRST READING BY TITLE ONLY OF ORDINANCE NO. 808 AMENDING THE ZONING TEXT WITHIN THE COMMERCIAL ZONES CONDITIONALLY ALLOWING FOR ADULT-USE CANNABIS DISPENSARY WITHIN C-2 ZONE.

Motion by DALE, second by EUGENIO to hold the first reading of Ordinance No. 808 by title only.

AYES: DALE, EUGENIO, AND PECHTL

NOES: AMPARANO

ABSTAIN: NONE

ABSENT: TUCKER

MOTION CARRIED 3-1

3. PROVIDE DIRECTION TO STAFF TO PREPARE A SUMMARY OF ORDINANCE NO. 807 AND ORDINANCE NO. 808 FOR PUBLICATION PURPOSES.

Motion by DALE, second by EUGENIO to direct staff to prepare the summaries for publication.

AYES: DALE, EUGENIO, AND PECHTL

NOES: AMPARANO

ABSTAIN: NONE

ABSENT: TUCKER

MOTION CARRIED 3-1

F. ACTION ITEMS:

F-1. SUBJECT: DECLARE EMERGENCY AT NANCE & WORTHINGTON AREA MANHOLES.

1. APPROVAL OF RESOLUTION NO. 2020-45, DECLARING AN EMERGENCY AND AUTHORIZING THE CITY MANAGER TO TAKE ACTION AS MAY BE NECESSARY IN RESPONSE THERETO.

Motion by AMPARANO, second by DALE to approve Resolution No. 2020-45.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER

MOTION CARRIED 4-0

F-2. SUBJECT: PURCHASE OF EQUIPMENT – POLICE DEPARTMENT.

1. APPROVAL TO PURCHASE FOUR MOTOROLA APX6500 POLICE RADIOS FROM MOTOROLA SOLUTIONS IN THE AMOUNT OF \$14,964.12.

Motion by DALE, second by AMPARANO to approve the purchase of the radios.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER

MOTION CARRIED 4-0

F-3. SUBJECT: MUNICIPAL BUDGET FOR FISCAL YEAR 2020-2021.

1. PRESENTATION/OVERVIEW OF MUNICIPAL BUDGET FOR FISCAL YEAR 2020-2021.
2. APPROVAL OF RESOLUTION NO. 2020-32, ADOPTING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2020-2021.

Item tabled to the adjourned meeting.

F-4. SUBJECT: DISCUSSION/ACTION: UPDATE OF COVID-19 PANDEMIC.

ASSISTANT CITY MANAGER BROWN provided an update to council. Health Officer released a new order today continuing the order to stay home and continued closure of businesses along with the use of face coverings.

G. REPORTS:

G-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.

AMPARANO commented on the loss of property and homes due to the fire in the community of Niland.

EUGENIO attended the virtual meeting with residents to discuss the Paseo del Sol Park.

PECHTL wished everyone a happy and safe 4th of July.

G-2. SUBJECT: CITY MANAGER REPORT

None.

G-3. SUBJECT: DEPARTMENT REPORTS.

None.

Motion by AMPARANO, second by EUGENIO to adjourn the meeting to July 6, 2020 at 6:00 pm.

AYES: AMPARANO, EUGENIO, AND PECHTL

NOES: DALE

ABSTAIN: NONE

ABSENT: TUCKER

MOTION CARRIED 3-1

COUNCIL MEETING ADJOURNED AT 7:52 PM.