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**OFFICE OF CITY ATTORNEY**  
By *L. LaVern Britton*

**STATEMENT FOR MAYOR OR CHAIRPERSON**  
**PRIOR TO CLOSED SESSION**

(Government Code Section 54954.4, 54957.7)

Regular \_\_\_ Adjourned Regular \_\_\_ Special Meeting of December 2, 2009 of the City Council (name of Agency; i.e., City Council, Redevelopment Agency, other named committee).

**PENDING LITIGATION.**

1.  Upon advice of its legal counsel, the Agency will recess to closed session pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the Agency is a party. (Check and complete as applicable).
2.  The title of the litigation is (specify by reference to claimant's name, names of parties, case or claim numbers) McCabe v. City; Central v. City;
3. \_\_\_ Identification of such litigation would jeopardize the Agency's ability to effect service or process upon one or more unserved parties (Government Code Section 54956.9); or
4. \_\_\_ Identification of such litigation would jeopardize the Agency's ability to conclude existing settlement negotiations to its advantage. (Government Code Section 54956.9).

**ANTICIPATED LITIGATION.**

5. \_\_\_ The Agency will recess to closed session with its attorney regarding anticipated litigation in that:
6. \_\_\_ **Significant Exposure To Litigation Against The Agency.** A point has been reached where, in the opinion of the Agency legislative body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the Agency. There are (provide number) \_\_\_ such potential cases. (Government Code Section 54956.9(b)(1)).
7. \_\_\_ Based on existing facts and circumstances, the legislative body is meeting only to decide whether a closed session is authorized pursuant to Government Code Section 54956.9(b)(1). (Government Code Section 54956.9(b)(2)).

8. \_\_\_ Based on existing facts and circumstances, the legislative body has decided to initiate or is deciding whether to initiate litigation. There are **(provide number)** such potential cases. (Government Code Section 54956.9(c).

**JPA INSURANCE CLAIMS DISCUSSIONS.**

9. \_\_\_ The legislative body, as a member of a joint powers authority formed for purposes of insurance pooling pursuant to Government Code Section 6500 et seq., will meet in closed session to discuss a claim(s) for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the authority. Unless unspecified pursuant to Government Code Section 54956.9, the name of the claimant(s) and the name(s) of the corresponding local agency(ies) against which such claim(s) is/are made is/are: (Government Code Section 54956.9).

**NEGOTIATIONS REGARDING ACQUISITION/DISPOSITION OF REAL PROPERTY.**

10. \_\_\_ The Agency will recess to closed session pursuant to Government Code Section 54956.8 to give instructions to the Agency's negotiator(s) **specify name of negotiator** regarding negotiations with **(specify name of party, or agent)** which instructions will concern price, terms of payment or both, including use restrictions, development obligations and other monetary related considerations concerning the purchase, sale, exchange, and/or lease of the property located at \_\_\_\_\_ **(specify street address, or if no street address, parcel number or other unique reference, of the real property under negotiation).**
11. \_\_\_ The Agency will recess to closed session pursuant to Government Code Section 54956.8 to give instructions to the Agency's negotiator(s) **(specify name of negotiator)** regarding negotiations with \_\_\_\_\_ **(specify name of party, or agent)** which instructions will concern price, terms of payment or both, including use restrictions, development obligations and other monetary related considerations concerning the purchase, sale, exchange, and/or lease of the property located at \_\_\_\_\_ **(specify street address, or if no street address, parcel number or other unique reference, of the real property under negotiation).**
12. \_\_\_ The Agency will recess to closed session pursuant to Government Code Section 54956.8 to give instructions to the Agency's negotiator(s) **(specify name of negotiator)** regarding negotiations with **(specify name of party, or agent)** which instructions will concern price, terms of payment or both, including use restrictions, development obligations and other monetary related considerations concerning the purchase, sale, exchange, and/or lease of the property located at \_\_\_\_\_ **(specify street address, or if no street address, parcel number or other unique reference, of the real property under negotiation).**
13. \_\_\_ The Agency will recess to closed session pursuant to Government Code Section 54956.8 to give instructions to the Agency's negotiator(s) \_\_\_\_\_ **(specify name of negotiator)** regarding negotiations with \_\_\_\_\_ **(specify name of party, or agent)** which instructions will concern price, terms of payment or both, including use restrictions, development obligations and other monetary related considerations concerning the purchase, sale, exchange, and/or lease of the property

located at \_\_\_\_\_ (specify street address, or if no street address, parcel number or other unique reference, of the real property under negotiation).

**LABOR RELATIONS NEGOTIATIONS.**

14.  The Agency will recess to closed session pursuant to Government Code Section 54957.6 to meet with **Ruben Duran, Teri Brownlee** (specify name(s)) who is/are the Agency's designated representative(s) for the purpose of reviewing the Agency's position and instructing its representative(s) 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 Government Code Section 3504 **All Bargaining Units** (as to represented employee(s), specify name of organization representing the employee(s); as to unrepresented employee(s), specify the position title(s) of the unrepresented employee(s) who is/are the subject of the negotiations). As to unrepresented employees, the closed session will not include final action on the proposed compensation of one or more unrepresented employees).

**PERSONNEL MATTERS.**

15.  The Agency will recess to closed session pursuant to Government Code Section 54957 to:
- (a) consider the appointment or employment to the position(s) of \_\_\_\_\_ (specify position(s)).
  - (b) consider the evaluation of the performance of the **City Manager, City Attorney, Secretary to the City Council**.
  - (c) discuss the employment agreement of the \_\_\_\_\_.
  - (d) consider the dismissal of a public employee.
  - (e) hear complaints or charges brought against an employee by another person or employee unless the employee requests a public session. **The employee has been given written notice by personal service or by mail delivered at least 24 hours before this meeting informing him/her of his/her right to have the complaints or charges heard in an open session.**

**LICENSE APPLICANT(S) AND ATTORNEYS.**

16.  The Agency will recess to closed session pursuant to Government Code Section 54956.7 to meet with \_\_\_\_\_ (insert number) applicant(s) for a city license and the attorney(s) for \_\_\_\_\_ (insert number) of such applicant(s).

**PUBLIC SECURITY.**

17.  The Agency will recess to closed session to meet with \_\_\_\_\_ (Chief of Police and/or Security Operations Manager) on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities or the security of essential public services including water, drinking water, wastewater, gas service, and electrical service. (Government Code Section 54957).



# CITY COUNCIL AGENDA

## REGULAR MEETING

Wednesday, December 2, 2009

12:00 Noon

Council Chambers, City Hall, 1275 Main Street, El Centro, CA 92243

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***Mayor & Council Members can be reached at (760) 336-8989***

Council Members: Jon A. Edney  
Sedalia Sanders  
Efrain Silva  
Benjamin Solomon  
Cheryl Viegas-Walker

City Clerk: L. Diane Caldwell  
City Manager: Ruben Duran  
City Attorney: Luis Hernandez

**All Times Are Approximate and May Vary**

**12:00 Noon      Closed Session - (Conference Room A)**

**CALL TO ORDER: Roll-Call  
PLEDGE OF ALLEGIANCE:  
INVOCATION:**

**6:00-6:00    CITY ATTORNEY REPORT ON CLOSED SESSION**

**6:05 P.M.    Public Session** - *This is a Public Meeting. If there is an item on the Agenda on which you wish to be heard, please complete a "Speakers Slip" and give to the City Clerk prior to the meeting. When the item is announced by the Mayor, come forward to the microphone, address yourself to the Council, stating your name and address for the record. Unless the Mayor extends the time, there is a three (3) minute time limit for each public presentation. If you wish to address the Council concerning any other matter within the Council's jurisdiction, you may do so during the public comment portion of the agenda.*

**6:05-6:05    PRESENTATIONS AND ANNOUNCEMENTS BY MAYOR:**

**6:05-6:15 SCHEDULED PUBLIC COMMENTS:** (Not to exceed 3 minutes each)

*Items appearing under this section have submitted a written request to the City Clerk at least one week prior to the regular meeting.*

1. Monthly Report by El Centro Chamber of Commerce.
2. Fair Housing Services update from Inland Fair Housing and Mediation Board.
3. Report by Norm Wuytens, Curator, Imperial County Historical Society regarding the restoration of the 1919 American LaFrance Fire Engine.

**6:15-6:20 CONSENT AGENDA:**

*Consent agenda items are approved by one motion. Council members or members of the public may pull consent items to be considered separately at a time determined by the Mayor.*

4. Approval of the City Council Minutes for November 4, 2009.
5. Approval of Resolution No. 09- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AWARDING THE BID FOR ONE RESCUE VEHICLE TO WEST-MARK  
*The following bids were received and opened on September 23, 2009 at 2:00 p.m.: South Coast E.V.S. \$135,133.00 w/o tax; Braun Northwest, Inc. \$147,695.40 w/tax; Classic Fire \$123,141.00 w/o tax; Boise Mobile Equipment-No Bid-Bid Bond only submitted); West-Mark \$93,999.00 w/o tax ; Ferrara Fire Apparatus, Inc. \$159,983.00 w/tax; Emergency Vehicle Group. Inc. \$169,997.00 w/tax; KME Fire \$136,753.00 w/o tax.*
6. Approval of Resolution No. 09- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH T&B PLANNING CONSULTANTS, INC. FOR CONSULTING SERVICES.
7. 2<sup>nd</sup> Reading and Approval of Ordinance No. 09-11, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING THE ZONING MAP OF THE CITY OF EL CENTRO PERTAINING TO APPROVED ZONE CHANGE – CHANGE OF ZONE NO. 08-02, waive reading and adopt by title only.
8. 2<sup>nd</sup> Reading and Approval of Ordinance No. 09-12, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING THE ZONING MAP OF THE CITY OF EL CENTRO PERTAINING TO APPROVED ZONE CHANGE – CHANGE OF ZONE NO. 09-01, waive reading and adopt by title only.
9. Approval of Resolution No. 09- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO DECLARING LOST OR UNCLAIMED PROPERTY TO BE NEEDED FOR A PUBLIC USE AND AUTHORIZING ITS DONATION TO THE CENTINELA STATE PRISON
10. Approval of Resolution No. 09- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AWARDING THE BID FOR ONE MOBILE BREATHING AIR COMPRESSOR UNIT TO CALIFORNIA HEALTH & SAFETY INCORPORATED  
*The following bids were received and opened on November 17, 2009 at 2:30 p.m.: California Health and Safety, Inc. \$71,215.57; All Star Fire Equipment \$71,890.00.*

11. Approval of Change Order #13 in the amount of \$289,259.00 in increase to the Water Treatment Plant Expansion Project amount, Contractor W.M. Lyles.
12. Approval of the ratification of Change Order #1 in the amount of \$297,000 and authorize additional funding to cover Change Order #2 both an increase to the 2009 Engineered Paving Mat Interlayer System and Slurry Seal Project amount, Contractor Hazard Construction.
13. Approval of Resolution No. 09- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AWARDING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE ADAMS AVENUE SPORTS PAVILION DEMOLITION AND ROUGH GRADING PROJECT TO WHILLOCK CONTRACTING, INC.  
*The following bids were received and opened on October 27, 2009 at 2:00 p.m.: Rich Holt \$199,690.00; Radco Inc. 365,469.50; Whillock Contracting \$197,570.78; Pyramid Construction \$290,843.80.*

**RECOMMENDATION:** Approval of the Consent Agenda as presented.

**FINAL ACTION:**

**6:20-6:45 PUBLIC HEARING:**

14. Public hearing to consider a petition to rename 8<sup>th</sup> Street to Dr. Martin Luther King Drive in accordance with the City's Policy for Naming City Property and Streets.

**Presentation:** Norma Villicana, Director of Planning and Zoning

**RECOMMENDATION:**

**FINAL ACTION:**

**6:45-7:00 NEW BUSINESS:**

15. Discussion and any necessary action regarding the acceptance and filing of the 2008/2009 El Centro Regional Medical Center Annual Report.

**Presentation:** David Green, CEO Hospital Administrator

**RECOMMENDATION:**

**FINAL ACTION:**

**INFORMATIONAL ITEMS:**

16. Received and referred to Planning Department, Application for Alcoholic Beverage License regarding the following:
  - a. DJ Chevron, 1850 S. Imperial Avenue, El Centro, CA

**7:00-7:05** – (Time may vary) **PUBLIC COMMENTS:** (Not to exceed 3 minutes each)  
*The City Council welcomes your input. You may address the Council by completing a speakers slip and giving it to the City Clerk prior to the meeting. At this time you may address the Council on items that are not on the agenda. The Mayor reserves the right to place a time limit on each presentation.*

**7:05-7:15** – (Time may vary) **COUNCIL RECESS**

**7:15-7:25** – (Time may vary) **MAYOR AND COUNCIL MEMBERS REPORTS:**  
*Council Members reports on conferences or other City activities. Time limit 3 minutes.*

**ADJOURNMENT** no later than **9:45 p.m** : *Unless a majority of Council has voted to continue or asked that the meeting be adjourned to another date & time. (\_\_\_\_\_)*

**REGULAR MEETING OF THE REDEVELOPMENT AGENCY:**

**CONVENED \_\_\_\_\_ P.M. ADJOURNMENT: \_\_\_\_\_ P.M.**

*Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet will be available for public inspection at the Office of the City Clerk, 1275 Main Street, El Centro, California 92243, Monday-Friday during normal business hours.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (760)337-4515. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangement to assure accessibility to this meeting.*