



****AMENDED****
AGENDA

**CITY COUNCIL/
CITY COUNCIL AS
SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY/
HOUSING AGENCY**

**Regular Meeting
Tuesday, April 3, 2012**

11:30 A.M.

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

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

Mayor:	Sedalia Sanders	City Clerk: L. Diane Caldwell
Mayor Pro-Tem:	Benjamin James Solomon, III	City Manager: Ruben Duran
Council Members:	Cheryl Viegas-Walker	City Attorney: Kris Becker
	Efrain Silva	
	Jason Jackson	

11:30 A.M. Closed Session (City Hall, Conference Room "A")

6:00 P.M. Open Session

ALL TIMES ARE APPROXIMATE AND MAY VARY

CALL TO ORDER:

Call to order a meeting of the City Council, also serving as the Successor Agency to the Redevelopment Agency (SA) and Housing Agency (HA).

Roll-Call

PLEDGE OF ALLEGIANCE

INVOCATION

6:00-6:05 CITY ATTORNEY REPORT ON CLOSED SESSION

NOTICE TO THE PUBLIC

This is a public meeting, any person wishing to address the City Council/SA/HA on any item appearing on the Agenda, is asked to complete a blue "Speaker Slip" and submit it to the City Clerk prior to the start of the meeting. When the item is announced and your name is called by the Mayor, please come forward to the microphone and address yourself to the City Council. Unless the Mayor extends the time, there is a three (3) minute time limit for each public presentation. If you wish to address the City Council on any subject matter within the City Council's jurisdiction that is not listed on the agenda, you may do so during the public comment portion of the agenda and are asked to complete a blue "Speaker Slip" and submit it to the City Clerk prior to the start of the meeting. Any information provided on the "Speaker Slip" will be public record.

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

6:05-6:10 SCHEDULED PUBLIC COMMENTS (Not to exceed 3 minutes each)

Item(s) appearing under this section have submitted a written request to the City Clerk a minimum of one week prior to the regular meeting.

1. Monthly Report by El Centro Chamber of Commerce.

6:10-6:15 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.

2. Approval of the Warrants and Payroll for February 2012.
3. Approval of the Treasurer's Report for February 2012.
4. Approval of City Council Minutes for regular meeting of February 21, 2012.
5. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING MODIFICATION AGREEMENT NO. 3 FOR SERVICES BETWEEN THE CITY OF EL CENTRO AND THE COUNTY OF IMPERIAL FOR MAINTENANCE OF TRAFFIC CONTROL SIGNAL SYSTEM
6. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR PROFESSIONAL SERVICES
7. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING DAVIS/REED CONSTRUCTION, INC.'S REQUEST TO SUBSTITUTE A SUBCONTRACTOR ON THE FIRE STATION #3 CONSTRUCTION PROJECT AND RATIFYING THE ISSUANCE OF WRITTEN NOTICE REQUIRED BY CALIFORNIA PUBLIC CONTRACT CODE SECTION 4107 BY THE CITY MANAGER
8. Approval of the Program Instructor Contract template for Parks and Recreation Department programs.
9. 2nd Reading and Adoption of Ordinance No. 12-02, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING SECTION 13-119(F) OF ARTICLE VII, CHAPTER 13 OF THE CODE OF EL CENTRO ESTABLISHING REGULATIONS AND PROCEDURES FOR MEDICAL CANNABIS DISPENSARIES, waive reading and adopt by title only.

10. 2nd Reading and Adoption of Ordinance No. 12-03, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING SECTION 2-115 OF ARTICLE III OF CHAPTER 2 OF THE CODE OF THE CITY OF EL CENTRO RELATING TO THE DUTIES OF THE CITY ATTORNEY, waive reading and adopt by title only.
11. 2nd Reading and Adoption of Ordinance No. 12-04, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO ADDING SECTION 13-31.1 TO ARTICLE III OF CHAPTER 13 OF THE CODE OF THE CITY OF EL CENTRO CHANGING THE NAME OF THE MUNICIPAL HOSPITAL, waive reading and adopt by title only.
12. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO CONSENTING TO EL CENTRO REGIONAL MEDICAL CENTER EXTENDING A SHORT TERM LINE OF CREDIT WITH WELLS FARGO BANK IN THE AMOUNT OF \$1,000,000 FOR ADVANCES TO DECEMBER 1, 2012
13. *No Item*
14. Approval of the amendment to the Fire Department Personnel Schedule for FY 2011-12 City Budget.
15. Accept with regrets the resignation of Bill Caldwell from the Planning Commission and Building Appeal Board, and Michelle Sievertson from the Personnel Appeals Board effective immediately and authorize the City Clerk to advertise the unscheduled vacancies.
16. Approving and authorizing the filing of the fiscal year 2011-2012 claims with Imperial Valley County Transportation Commission (ICTC) for Public Transportation pursuant to:
 - a) Article 8(c) of the Public Utilities Code for transit services in the amount of \$223,406.
 - b) Article 8(e) of the Public Utilities Code for bus benches/shelter in the amount of \$12,796.
 - c) Article 8(e) of the Public Utilities Code for 14th /State Street terminal in the amount of \$2,500.
 - d) Article 8(e) Public Utilities Code for regional maintenance and upkeep benches/shelter in the amount of \$2,500.
 - e) Article 8(e) of the Public Utilities Code for 7th & State terminal matching funds in the amount of \$686,199.
 - f) Article 3 of the Public Utilities Code for bicycle and pedestrian facilities in the amount of \$22,540.

RECOMMENDATION: Approval of the Consent Agenda as presented.

FINAL ACTION:

6:15-6:30 NEW BUSINESS

17. Discussion and any necessary action regarding the award of bid for the Eighth Street and Fairfield Drive CIPP Project to Repipe-California, Inc.

PRESENTATION: Terry Hagen, Director of Public Works/City Engineer

RECOMMENDATION: Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AWARDED THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE EIGHTH STREET AND FAIRFIELD DRIVE SEWER CIPP PROJECT TO REPIPE-CALIFORNIA, INC.

FINAL ACTION:

18. Discussion and any necessary action regarding the award of bid for the Eighth Street and Fairfield Drive Rehabilitation Project to Terry Robertson, Inc., DBA A& R Construction.

PRESENTATION: Terry Hagen, Director of Public Works/City Engineer

RECOMMENDATION: Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AWARDING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE EIGHTH STREET AND FAIRFIELD DRIVE REHABILITATION PROJECT TO TERRY ROBERTSON, INC., DBA A&R CONSTRUCTION

FINAL ACTION:

6:30-6:45 SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY (SA)

19. Discussion and any necessary action regarding the appointment of two (2) Members to the Redevelopment Agency (RDA) Successor Agency Oversight Board to serve at the pleasure of City Council.

PRESENTATION: Mayor Sedalia Sanders

RECOMMENDATION: 1. _____ 2. _____

FINAL ACTION:

6:45-6:45 HOUSING AGENCY (HA) - None

INFORMATIONAL ITEMS

20. Received and filed Planning Commission Minutes of January 10, 2012.
21. Received and filed City of El Centro Planning Commission Annual Activities Report, January 1, 2011 to December 31, 2011.
22. Rejection of the claim of Arlene Norwood, as recommended by insurance carrier and pursuant to Resolution No. 98-49.
23. Library Task Force recommendation for existing library site.

6:45-6:50 (Time may vary) –PUBLIC COMMENTS

The City Council welcomes your input. At this time, members of the public may address the City Council on any matter not listed on the posted agenda. Pursuant to the Brown Act, no action will be taken on any issue brought forth under Public Comments. Please complete a “Speakes Slip” and submit it to the City Clerk prior to the start of the meeting. Unless the Mayor extends the time, there is a three (3) minute time limit for each public presentation.

6:50-6:50 COUNCIL RECESS

6:50-6:55 TASK FORCE REPORTS

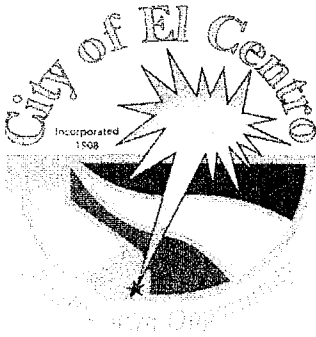
6:55-7:00 MAYOR AND COUNCIL MEMBERS REPORTS

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. (_____)*

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 48 hours prior to the meeting will enable the City to make reasonable arrangement to assure accessibility to this meeting.



Office of the City Attorney
 1275 Main Street
 El Centro, CA 92243
 (760) 337-4535 • Fax (760) 352-2246

Kris M. Becker
 City Attorney
kbecker@cityofelcentro.org

OFFICE OF CITY ATTORNEY
 By Kris M. Becker

STATEMENT FOR MAYOR OR CHAIRPERSON
PRIOR TO CLOSED SESSION

(Government Code Section 54954.4, 54957.7)

X Regular ___ Special ___ Adjourned Meeting of April 3, 2012 of the City Council
 name of Agency; (i.e., City Council or other named committee).

TRADE SECRETS.

X The Agency will recess to closed session pursuant to Government Code Section 37606.1(b) for the purpose of discussion and/or deliberation of reports involving hospital trade secret(s) as defined in subdivision (d) of Section 3426.1 of the Civil Code and which is necessary, and would, if prematurely disclosed create a substantial probability of depriving the hospital of a substantial economic benefit:

Discussion of: Number of Items: Estimated Date of Public Disclosure:

New Hospital Services	10 estimated	08/2012 – 12/2013
New Program	10 estimated	08/2012 – 12/2013
Add a Hospital Facility	5 estimated	08/2012 – 12/2013

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) _____;
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 _____ (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 _____ (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 _____.
 - _____ (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).