

**NOTICE OF CITY COUNCIL,**  
**SUCCESSOR AGENCY TO THE**  
**RDA/HOUSING AGENCY**  
**MEETING LOCATION CHANGE**

**REGULAR MEETING OF**  
**MAY 15, 2012**

**CLOSED SESSION WILL BE IN**  
**CONFERENCE ROOM "A" AT 11:30 A.M.**  
**AT CITY HALL**

**OPEN SESSION FOR 6:00 P.M.**  
**HAS BEEN MOVED TO THE**  
**FOLLOWING LOCATION**

**EL CENTRO ADULT CENTER**  
**385 SOUTH 1<sup>st</sup> STREET**  
**EL CENTRO, CA 92243**



**\*\*AMENDED\*\***  
**AGENDA**

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

**Regular Meeting  
May 15, 2012**

**11:30 A.M.**

**El Centro City Hall, Conference Room A,  
1275 Main Street, El Centro, CA 92243**

**6:00 P.M.**

**El Centro Adult Center,  
385 So. 1<sup>st</sup> Street, El Centro, CA 92243**

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

**Mayor:** Sedalia Sanders  
**Mayor Pro-Tem:** Benjamin James Solomon, III  
**Council Members:** Cheryl Viegas-Walker  
Efrain Silva  
Jason Jackson

**City Clerk:** L. Diane Caldwell  
**City Manager:** Ruben Duran  
**City Attorney:** Kris Becker

**11:30 A.M. Closed Session – 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, Successor Agency to the RDA & Housing Agency 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. Any information provided on the "Speaker Slip" will be public record.

### 6:05-6:10 PRESENTATIONS AND ANNOUNCEMENTS BY MAYOR

1. Presentation of Proclamation for World Red Cross Month to Imperial County Red Cross.

### 6:10-6:15 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.*

2. Monthly Report by Tom Curtis, President, Downtown El Centro Business Improvement District.

### 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.*

3. Approval of the Warrants and Payroll for April 2012.
4. Approval of the Treasurer's Report for April 2012.
5. Approval of City Council minutes for regular meeting of April 17, 2012.
6. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO REPEALING CITY PERSONNEL RULES AND ADOPTING NEW PERSONNEL RULES
7. 2<sup>nd</sup> Reading and Adoption of Ordinance No. 12-05, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING SECTIONS 18-131, 18-136 AND 18-137 OF ARTICLE VII, CHAPTER 18 OF THE CODE OF EL CENTRO RELATING TO PARENTAL CIVIL LIABILITY AND FINANCIAL RESPONSIBILITY FOR MINOR CHILDREN WHO CAUSE GRAFFITI ON ANY PROPERTY IN THE CITY, waive reading and adopt by title only.
8. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO RESCINDING RESOLUTION NO. 12-45 AND ADOPTING A NEW RESOLUTION DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED TO THE EL CENTRO BUENA VISTA LANDSCAPING AND LIGHTING DISTRICT FOR FISCAL YEAR 2012-2013
9. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA, RESCINDING RESOLUTION NO. 12-48 AND ADOPTING A NEW RESOLUTION DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED TO THE EL CENTRO LEGACY RANCH LANDSCAPING AND LIGHTING DISTRICT FOR FISCAL YEAR 2012-2013

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

**FINAL ACTION:**

**6:20-7:00 NEW BUSINESS**

- 10. Discussion and any necessary action regarding the amendment of El Centro City Code Section 13-53 (b) to Article III, relating to Hospital Financial Information.

**PRESENTATION:** Kris M. Becker, City Attorney

**RECOMMENDATION:** Approval of Ordinance No. 12- , AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING SUBSECTION (b) OF SECTION 13-53 OF ARTICLE III OF CHAPTER 13 OF THE MUNICIPAL CODE OF EL CENTRO RELATING TO HOSPITAL FINANCIAL INFORMATION, waive reading and pass as a 1<sup>st</sup> reading.

**FINAL ACTION:**

- 11. Discussion and any necessary action regarding the existence of the Downtown Business Improvement District (BID).

**PRESENTATION:** Marcela Piedra, Director of Economic Development

**RECOMMENDATION:**

**FINAL ACTION:**

- 12. Discussion and any necessary action regarding the filling of unscheduled vacancies on the following Boards and Commission: Personnel Appeals Board (unexpired term ends 4-15-13), Building Appeals Board (term serves at the pleasure of City Council) and Planning Commission (unexpired term ends 10-03-12).

**PRESENTATION:** Mayor Sedalia Sanders

**RECOMMENDATION:**

**FINAL ACTION:** Personnel Appeals Board : \_\_\_\_\_  
Building Appeals Board: \_\_\_\_\_  
Planning Commission: \_\_\_\_\_

- 13. Discussion and any necessary action regarding the appointment of voting delegate and alternate for the League of California Cities Annual Conference, September 5-7 San Diego, CA.

**PRESENTATION:** Mayor Sedalia Sanders

**RECOMMENDATION:**

**FINAL ACTION:** Delegate: \_\_\_\_\_ Alternate: \_\_\_\_\_

## **7:10-7:15 SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

14. Discussion and any necessary action regarding the approval of the agreement with Ryan D. Childers to provide legal services for the Oversight Board to the Successor Agency.

**PRESENTATION:** Kris M. Becker, City Attorney

**RECOMMENDATION:** Approval of Resolution No. SA 12- , RESOLUTION OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF EL CENTRO, CALIFORNIA APPROVING AN AGREEMENT FOR LEGAL SERVICES WITH RYAN D. CHILDERS TO PROVIDE LEGAL SERVICES FOR THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY

**FINAL ACTION:**

## **HOUSING AGENCY- None**

## **INFORMATIONAL ITEMS:**

15. Rejection of the claim of Gonsalo Salas, Jr., as recommended by insurance carrier and pursuant to Resolution No. 98-49
16. Received and filed ECRMC Board of Trustees agenda report dated April 24, 2012 regarding ECRMC's Investments from Ruben Duran, City of El Centro City Manager/City Treasurer.
17. Received and referred to Planning Department, Application for Alcoholic Beverage License regarding the following:
  - a. A & J Gas and Market, 525 N. La Brucherie, El Centro
18. Received and filed Southern California Gas Company Notice of Proposed Rate Decreases Cost of Capital Proceeding, Application No. A.12-04-017.
19. Received and filed notice received by Fennemore Craig, P.C. regarding the filing of the application of Tufesa USA, LLC with California Public Utilities Commission.
20. Received and filed update report dated May 8, 2012 on the El Centro Library relocation project.

## **7:15-7:20 (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 "Speaker 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.*

## **7:20-7:20 COUNCIL RECESS**

**7:20-7:25 TASK FORCE REPORTS**

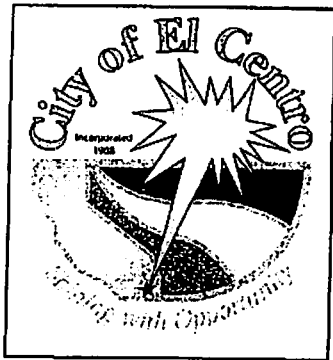
**7:25-7:30 MAYOR AND COUNCIL MEMBERS REPORTS**

*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**  
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El Centro, CA 92243  
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**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 \_\_\_ Adjourned Regular \_\_\_ Special Meeting of May 15, 2012 of the  
\_\_\_\_\_ name of Agency; i.e., City Council, Redevelopment Agency, other named committee).

**PENDING LITIGATION.**

1. X 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. X The title of the litigation is (specify by reference to claimant's name, names of parties, case or claim numbers) Countryside v. City; Case No. ECU 04457
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 is/are \_\_\_ (provide number) \_\_\_ such potential case(s). (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).