



AGENDA

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

Regular Meeting
June 19, 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 - Conference Room A
*(City Council and City Council as Successor Agency to the
Redevelopment Agency)*

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

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.

1. 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.

2. Approval of the Warrants and Payroll for May 2012.
3. Approval of the Treasurer's Report for May 2012.
4. Approval of City Council Minutes for May 15, 2012, May 29, 2012 and June 5, 2012.
5. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA, APPROVING THE DESTRUCTION OF EL CENTRO POLICE DEPARTMENT RECORDS FROM 1993-2010
6. Accepting the El Centro Regional Medical Center Budget 2013 dated May 22, 2012.
7. Authorizing the City Clerk to notify each City Agency to review their conflict-of-interest code and submit a biennial notice that amendments are needed or no amendments are necessary.

RECOMMENDATION: Approval of the Consent Agenda as presented.

FINAL ACTION:

6:20-6:50 PUBLIC HEARINGS

8. Public hearing to consider the approval of the Engineer's Report regarding Legacy Ranch Landscaping and Lighting District; and the Levy and Collection of Assessments Related Thereto Commencing Fiscal Year 2012/2013.

PRESENTATION: Leticia Salcido, Director of Finance

RECOMMENDATION: Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING THE ENGINEER'S REPORT REGARDING LEGACY RANCH LANDSCAPING AND LIGHTING DISTRICT; AND THE LEVY COLLECTION OF ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-2013

FINAL ACTION:

9. Public hearing to consider the approval of the Engineer's Report regarding Buena Vista Landscaping and Lighting District; and the Levy and Collection of Assessments Related Thereto Commencing Fiscal Year 2012/2013.

PRESENTATION: Leticia Salcido, Director of Finance

RECOMMENDATION: Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING THE ENGINEER'S REPORT REGARDING BUENA VISTA LANDSCAPING AND LIGHTING DISTRICT; AND THE LEVY COLLECTION OF ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-2013

FINAL ACTION:

6:50-7:00 UNFINISHED BUSINESS

10. Discussion and any necessary action regarding the Annual Review of the El Centro Living Wage Ordinance.

PRESENTATION: Mayor Sedalia Sanders and Council Member Cheryl Viegas-Walker

RECOMMENDATION:

FINAL ACTION:

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

PRESENTATION: Marcela Piedra, Director of Economic Development

RECOMMENDATION:

FINAL ACTION:

12. Discussion and any necessary action regarding the approval of the Operating Covenant Agreement between the City of El Centro and N and D Restaurants, Inc. to construct a 7,500 square foot Olive Garden Restaurant in the city of El Centro.

PRESENTATION: Marcela Piedra, Director of Economic Development

RECOMMENDATION: Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING AN OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF EL CENTRO, N AND D RESTAURANTS, INC., AND GMRI, INC. TO CONSTRUCT AN OLIVE GARDEN RESTAURANT

FINAL ACTION:

6:20-7:00 NEW BUSINESS

13. Discussion and any necessary action regarding the acceptance of grant funds from the 2012 Edward Byrne Justice Assistance Grant Program for the purchase of law enforcement equipment and supplies.

PRESENTATION: Eddie Madueno, Executive Commander

RECOMMENDATION: Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO ACCEPTING GRANT FUNDS FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FY 2012 THROUGH THE COUNTY OF IMPERIAL FOR THE PURCHASE OF EQUIPMENT BY THE EL CENTRO POLICE DEPARTMENT

FINAL ACTION:

14. Discussion and any necessary action regarding the award of bid and approval of agreements for Construction Management and Resident Engineering Services and Labor Compliance Monitoring Services for the El Centro Town Center Street Improvement Project.

PRESENTATION: Marcela Piedra, Director of Economic Development

RECOMMENDATION: a. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AWARDDING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE EL CENTRO TOWN CENTER STREET IMPROVEMENT PROJECT

b. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AWARDDING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE EL CENTRO TOWN CENTER STREET IMPROVEMENT PROJECT TO DYNAMIC CONSULTING ENGINEERS

c. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING A CONSULTING AGREEMENT WITH THE HOLT GROUP, INC. FOR LABOR COMPLIANCE MONITORING

FINAL ACTION:

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

15. City Attorney's report on Closed Session

HOUSING AGENCY- None

INFORMATIONAL ITEMS:

16. Received and referred to Planning Department, Application for Alcoholic Beverage License regarding the following:
 - a. Brunswick Zone XL, 950 N. Imperial Avenue, El Centro, CA
17. Received and filed Planning Commission decision on Conditional Use Permit No. 12-01 (Salvation Army – 1301 S. 4th Street).

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

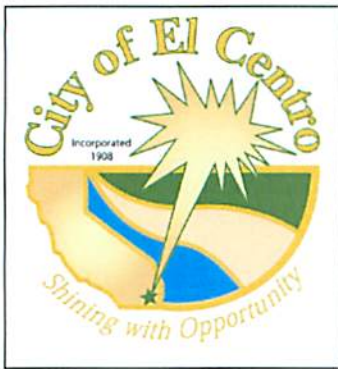
7:25-7:30 MAYOR AND COUNCIL MEMBERS REPORTS

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
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 Adjourned Regular Special Meeting of **June 19, 2012** of the **City Council** name of Agency; i.e., City Council, Successor Agency to the 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) **Jesus Ramos v. City, Case No. 37-2011-000888480-CU-OE-CTL, Countryside v. City ; Case No. ECU04457**
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. X The Agency will recess to closed session with its attorney regarding anticipated litigation in that:
6. X **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) 2 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. X The Agency will recess to closed session pursuant to Government Code Section 54956.8 to give instructions to the Agency's negotiator(s) **Ruben Duran and Marcela Piedra** (specify name of negotiator) regarding negotiations with **Polly Santa Cruz** (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 **276 E. Holt Avenue (APN# 053-303-14)** (specify street address, or if no street address, parcel number or other unique reference, of the real property under negotiation).
11. X The Agency will recess to closed session pursuant to Government Code Section 54956.8 to give instructions to the Agency's negotiator(s) **Ruben Duran and Marcela Piedra** (specify name of negotiator) regarding negotiations with **Maria Aldana** (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 **751 N. 5th Street (APN #044-381-15)** (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).
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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 and 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 Director Contracts; Chief of Police; City Manager, City Attorney, City Clerk Contracts; Unrepresented Confidential Employees, Unrepresented Management Employees; Unrepresented Police Management Employees, Fire Safety Management, General Employees and Teamsters (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).



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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)

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Successor Agency to the Redevelopment Agency (name of Agency; i.e., City Council, Successor
Agency to the Redevelopment Agency, other named committee).

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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) _____; Case No. _____.
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 is/are (provide number) such potential cases. (Government Code Section 54956.9(b)(1)).
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- ____ (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.**

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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).