



AGENDA/SUMMARY

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

Regular Meeting
July 17, 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

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.
2. Annual IVEDC presentation from Tim Kelley.

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 June 2012.
4. Approval of the Treasurer's Report for June 2012.
5. Approval of City Council Minutes for June 19 and July 3, 2012.
6. Approval of **Resolution No. 12-94**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE 2013 FISCAL YEAR IN ACCORDANCE WITH ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA
7. Approval of **Resolution No. 12-95**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING THE AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF EL CENTRO AS THE LEAD AGENCY FOR THE IMPERIAL VALLEY RESOURCE MANAGEMENT AGENCY AND ROBERT L. DOUTHITT
8. Approval of **Resolution No. 12-96**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AUTHORIZING THE LEVY OF A SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 2007-1 (LEGACY RANCH) FOR FISCAL YEAR 2012/2013
9. 2nd Reading and Adoption of **Ordinance No. 12-07**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING SECTION 2-194 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF THE CITY OF EL CENTRO INCREASING THE LIVING WAGE, waive reading and adopt by title only
10. Approval of the rejection of the claim regarding Adou Minizan as recommended by our Insurance Carrier.
11. Approval of the Guidelines for the First Time Homebuyer (FTHB) Downpayment Assistance Program funded by Program Income received under the Housing Enabled by Local Partnerships (HELP) Program.

12. Approval of the participation guidelines for the Owner-Occupied Emergency Home Repair Program funded by the 2012/2013 Community Development Block Grant Entitlement Program.

RECOMMENDATION: Approval of the Consent Agenda as presented.

FINAL ACTION: APPROVED

6:20-7:05 PUBLIC HEARINGS

13. Public hearing to solicit public input on the City's Annual Program Income Report for the Community Development Block Grant Program under the State of California Department of Housing and Community Development and request for approval to submit the City's annual Program Income Report for State CDBG Program Income.

PRESENTATION: Marcela Piedra, Director of Economic Development

RECOMMENDATION:

FINAL ACTION: APPROVED

14. Public hearing to consider CR&R's request of an annual rate adjustment for Solid Waste and Recycling.

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

RECOMMENDATION: Approval of **Resolution No. 12-97**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO CONDITIONALLY RESCINDING RESOLUTION NO. 11-110 AND RE-ESTABLISHING RATES FOR THE COLLECTION, TRANSPORTATION, RECYCLING, PROCESSING AND DISPOSAL OF SOLID WASTE

FINAL ACTION: APPROVED

15. Proposition 218 public hearing to consider the proposed rate increases for City Water and Wastewater Services and approval of the Water Rate Study.

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 RESCINDING RESOLUTION NO. 06-15 AND RE-ESTABLISHING WASTEWATER RATES AND CHARGES

Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO RESCINDING RESOLUTION NO. 06-14 AND RE-ESTABLISHING WATER RATES AND CHARGES

FINAL ACTION: CONTINUED TO OCTOBER 2, 2012

7:05-7:10 UNFINISHED BUSINESS

16. Discussion and any necessary action regarding the intention to disestablish the El Centro Downtown Business Improvement District (BID), and schedule a public hearing for August 7, 2012 to disestablish the BID.

PRESENTATION: Marcela Piedra, Director of Economic Development

RECOMMENDATION: Approval of **Resolution No. 12-98**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO DECLARING ITS INTENTION TO DISESTABLISH THE EL CENTRO DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

FINAL ACTION: **APPROVED**

7:10-7:30 NEW BUSINESS

17. Discussion and any necessary action regarding the requested change in administrative charge to City Agency, El Centro Regional Medical Center.

PRESENTATION: Alex Calderon, President, ECRMC Board of Trustees

RECOMMENDATION:

FINAL ACTION: **REFERRED TO STAFF FOR RECOMMENDATION**

18. Discussion and any necessary action regarding the rejection of the bid from Eckard Construction due to being non-responsive and awarding of the bid for the Adams Avenue Indoor Sports Complex Project to Duggins Construction in the amount of \$4,169,950.

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 AWARDING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE ADAMS AVENUE INDOOR SPORTS COMPLEX PROJECT TO DUGGINS CONSTRUCTION, INC.

FINAL ACTION: **ALL BIDS REJECTED**

19. Discussion and any necessary action regarding the appointment of three (3) members to the ECRMC Board of Trustees with terms ending June 30, 2015 and two (2) members to the Community Services Commission with terms ending May 6, 2016.

PRESENTATION: Mayor Sedalia Sanders

RECOMMENDATION: a. ECRMC Board of Trustees: **A. BROOKE, C. HUMPHREY, J. PICAZO**
b. Community Services Commission: **R. RYAN & R. DODGE**

FINAL ACTION:

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY - None

HOUSING AGENCY- None

INFORMATIONAL ITEMS:

20. Received and referred to Planning Department, Application for Alcoholic Beverage License regarding the following:
 - a. Olive Garden Italian Restaurant, NEC Dogwood Avenue and Danenberg Dr., El Centro, CA
21. Received and filed Planning Commission minutes for regular meeting of May 8, 2012.
22. Received and filed Southern California Gas Company, Notice of Filing of the Gas Cost Incentive Mechanism (GCIM) Application No. A.12-06-005 and Notice of Filing Requesting Approval of its 2013-2014 Energy Efficiency Programs and Budgets Application No. A.12-07-003.
23. Received and filed the Consolidated Dial-A-Ride Request for Proposals by ICTC.
24. Received and filed the fully executed Legal Services Agreements with Patrick Pace and Ryan Childers.
25. Rejection of the claim of Alonso Naranjo as recommended by our insurance carrier and pursuant to Resolution No. 98-49.

7:30-7:35 (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.

7:35-7:35 COUNCIL RECESS

7:35-7:40 TASK FORCE REPORTS

7:40-7:45 MAYOR AND COUNCIL MEMBERS REPORTS

Council Members reports on conferences or other City activities. Time limit 3 minutes.

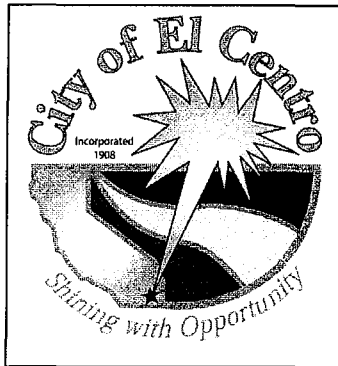
ADDED ITEMS (COUNCIL, SUCCESSOR AGENCY, HOUSING AGENCY):

5 EMERGENCY ITEMS RELATED TO AB 1484

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. (10:15 P.M.)*

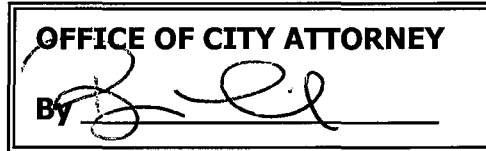
Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet will be available for public inspection at the Office of the City Clerk, 1275 Main Street, El Centro, California 92243, Monday-Friday during normal business hours.

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 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



STATEMENT FOR MAYOR OR CHAIRPERSON
PRIOR TO CLOSED SESSION

(Government Code Section 54954.4, 54957.7)

 X Regular Adjourned Regular Special Meeting of August 7, 2012 of the
City Council 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) Rebecca Fajardo v. City; Case No. 12-CV 1521H NLS; Countryside v. City of El Centro, 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. 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. ___ 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 Wastewater Treatment Plant Operators; Water Treatment Plant Operators; Firefighters Association; Police Officers' Association (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.
 - (c) discuss the employment agreement of the Planning & Zoning Director
 - (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).