



# AGENDA

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

**Regular Meeting  
December 4, 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:** Benjamin James Solomon, III  
**Mayor Pro-Tem:** Cheryl Viegas-Walker  
**Council Members:** Efrain Silva  
Jason Jackson  
Sedalia Sanders

**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 Successor 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.

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

1. Recognition of Leticia Salcido, Finance Director, for Certificate of Achievement for Excellence in Financial Reporting from Government Finance Officers Association

### 6:05-6:15 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 the El Centro Chamber of Commerce.
3. Presentation of the Imperial Irrigation District El Centro Generating Station Unit 3 Dedication Photo, by Norma M. Villicana, AICP, Community Development Director.
4. Presentation of the Annual Report of the El Centro Regional Medical Center (ECRMC) by Kathleen Pipkin, Marketing Director.

### 6:15-6:25 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.*

5. Approval of City Council Minutes for November 14, 2012.
6.
  - a. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO RESCINDING RESOLUTION NO. 92-60 DUE TO THE DISSOLUTION OF THE EL CENTRO REDEVELOPMENT AGENCY
  - b. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING THE CITY OF EL CENTRO CONFLICT OF INTEREST CODE
  - c. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO ADOPTING NEW APPENDICES "B" AND "C" OF THE CONFLICT OF INTEREST CODE FOR THE EL CENTRO REGIONAL MEDICAL CENTER BOARD OF TRUSTEES AND FOR HOSPITAL EMPLOYEES
  - d. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AS THE CODE REVIEWING BODY PURSUANT TO THE CALIFORNIA POLITICAL REFORM ACT, APPROVING THE CONFLICT OF INTEREST CODE FOR THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY
7. 2<sup>nd</sup> Reading and Adoption of Ordinance No. 12-11, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING ARTICLE IV OF CHAPTER 20 OF THE CODE OF THE CITY OF EL CENTRO RELATING TO THE REDEVELOPMENT AGENCY AND ARTICLE IV OF CHAPTER 29 OF THE CODE OF THE CITY OF EL CENTRO RELATING TO THE DENSITY BONUS PROGRAM AND ADDING ARTICLE VI

TO CHAPTER 20 OF THE CODE OF THE CITY OF EL CENTRO RELATING TO THE SUCCESSOR HOUSING AGENCY, waive reading and adopt by title only .

8. Received and file Development Impact Fee and Water/Wastewater Capacity Fee Information Report for FYE June 2012.
9. Approval of Denial of Application for Leave to Present Late Claim (City and ECRMC) regarding Julio Espinoza, as recommended by Insurance Carrier.
10. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO DECLARING AND AUTHORIZING THE DESTRUCTION OF CERTAIN PROPERTY
11. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING THE DESTRUCTION OF EL CENTRO POLICE DEPARTMENT RECORDS FROM 2005-2010.
12. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 022-N TO THE ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 11-5169R FOR FEDERAL-AID- PROJECTS, WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION
13. Approval of Resolution No. 12- , RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 023-N TO THE ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 11-5169R FOR FEDERAL-AID-PROJECTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION
14. Approval of Resolution No. 12- , RESOLUTION OF THE CITY OF EL CENTRO APPROVING AN AGREEMENT WITH GRIFFIN-LYON PROGRAM AND CONSTRUCTION MANAGERS, LLC FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE REGIONAL BUS TRANSFER TERMINAL PROJECT.
15. Approve Change Order No. 2 in the amount \$126,877.50 for the Measure D Bond – Phase II 2011 Roads Rehabilitation Project and ratify Change Order No. 1 in the amount of (\$17.45).

## **6:25-6:55 PUBLIC HEARING**

16. Public Hearing to consider the recommendation of the Planning Commission on Zoning Ordinance Text Amendment No. 12-01. The Zoning Ordinance Text Amendment would allow the amendment to the City's Zoning Ordinance by adding the definition of secondhand stores to Section 29-34 of the Zoning Ordinance and listing secondhand stores as a permitted use in Section 29-69 of the Manufacturing Zones Use Regulations.

**PRESENTATION:** Norma M. Villacana, AICP, Community Development Director

**RECOMMENDATION:** Approval of Ordinance No. 12- , AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING SECTIONS 29-34 OF DIVISION 2, ARTICLE I, ENTITLED DEFINITIONS AND SUBSECTION (b) TO TABLE 29-69.1 OF SECTION 29-61, DIVISION 4, ARTICLE II OF THE EL CENTRO CITY CODE ENTITLED MANUFACTURING ZONES USE REGULATIONS, waive reading and pass as a 1<sup>st</sup> reading.

**FINAL ACTION:**

17. Public Hearing to consider Mr. Miles Wyatt's Appeal of Conditions No. 14 and 15 to his Conditional Use Permit No. 12-07 approved under Planning Commission Resolution No. 12-16.

**PRESENTATION:** Norma M. Villicana, AICP, Community Development Director

**RECOMMENDATION:**

**FINAL ACTION:**

**6:55-7:10 NEW BUSINESS:**

18. Discussion and any necessary action regarding the discussion on establishing priorities for CDBG Entitlement Program for 2013/2014 funding cycle.

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

**RECOMMENDATION:**

**FINAL ACTION:**

**INFORMATIONAL ITEMS**

19. Received and filed Time Warner Cable Programming Update 11-15-12.

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

20. Approval of Resolution No. SA 12- , RESOLUTION OF THE SUCCESSOR AGENCY TO THE EL CENTRO REDEVELOPMENT AGENCY ADOPTING THE CONFLICT OF INTEREST CODE FOR THE CITY OF EL CENTRO

**FINAL ACTION:**

**7:15-7:20 SUCCESSOR HOUSING AGENCY**

21. Approval of Resolution No. SHA 12- , RESOLUTION OF THE SUCCESSOR HOUSING AGENCY TO THE EL CENTRO REDEVELOPMENT AGENCY ADOPTING THE CONFLICT OF INTEREST CODE FOR THE CITY OF EL CENTRO.

**FINAL ACTION:**

**7:20-7:25 (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.*

**7:25-7:30 COUNCIL RECESS**

**7:30-7:35 TASK FORCE REPORTS**

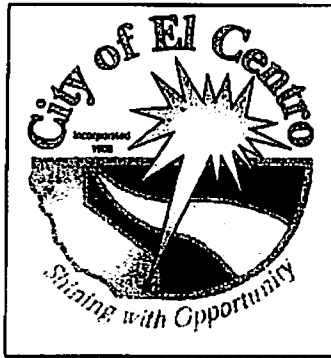
**7:35-7:40 MAYOR AND COUNCIL MEMBERS REPORTS**

*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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City Attorney  
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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)

Regular  Adjourned Regular  Special Meeting of **December 4, 2012** (date) of the **City Council** (City Council; Successor Agency to the Redevelopment Agency or Financing Authority)

**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 part. (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.: \_\_\_\_\_ ; \_\_\_\_\_, 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).
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**

The Agency will recess to closed session with its attorney regarding anticipated litigation in that:

5.  **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) 3 such potential cases. (Government Code Section 54956.9(b)(1).
6.  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).
7.  Based on existing facts and circumstances, the legislative body has decided to initiate or is deciding whether to initiate litigation. There is/are 1 (provide number) such potential case(s). (Government Code Section 54956.9(c).

## **JPA INSURANCE CLAIMS DISCUSSIONS**

8. \_\_\_\_\_ 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**

9. \_\_\_\_\_ 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).
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).

**LABOR RELATIONS NEGOTIATIONS**

13. \_\_\_\_\_ 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 with \_\_\_\_\_ (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**

14. \_\_\_\_\_ 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 \_\_\_\_\_ (specify position(s)).
  - \_\_\_\_\_ (c) discuss the employment agreement of the \_\_\_\_\_ (specify position(s)).
  - \_\_\_\_\_ (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**

15. \_\_\_\_\_ 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**

16. \_\_\_\_\_ 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).