REGULAR MEETING
EL CENTRO CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
WEDNESDAY, DECEMBER 19, 2007 12:00 NOON

The El Centro City Council met in regular session on Wednesday, December 19, 2007 at 12:12 p.m.

PRESENT: Council: Silva, Solomon, Edney;
City Clerk Caldwell, City Manager Duran, Interim City Attorney Rood;
ABSENT: Viegas-Walker, Sanders – arrived at 12:13 p.m.

Moved by Silva seconded by Solomon approval to adjourn to Closed Session at 12:12 p.m. Regarding PENDING LITIGATION: Pursuant to GC Section 54956.9(a) to confer with its attorney regarding litigation which has been initiated formally and to which the Agency is a party. The title of the litigation is City v. Kalthia Construction, Case No. ECM 24022; City v. Grillo, Case No. ECM 24024; Santiago Ibarra v. City, Case No. 07CV1595; ANTICIPATED LITIGATION: Significant Exposure to litigation against the Agency. There is one(1) such potential case. GC Section 54956.9(b)(1) PERSONNEL MATTERS: Pursuant to GC 54957 to consider the appointment or employment to the position(s) of Acting (Interim) City Attorney.
All members present.

Council recessed at 1:25 p.m. and reconvened at 6:00 p.m. with all members present.

Pledge of Allegiance was given followed by Invocation by Bishop Michael Minnix.

Acting (Interim) City Attorney reported on Closed Session at this time. Council met in closed session at 12:10 p.m. today to confer with their legal counsel for the purpose of discussing litigation items that are listed on the Closed Session Statement and on one case of Anticipated Litigation. Council also met on the Acting (Interim) City Attorney, Mr. Rood stated he excused himself and left the room.
No action coming out of closed session.

SCHEDULED PUBLIC COMMENTS:

1. Jurg Heuberger, Imperial County Planning & Development Services Director, presented a draft Central Imperial County Traffic Impact Fee Study. Council directed staff (Public Works Department) to review the I.C. Traffic Impact Fee Study and prepare a report for Council with recommendations and identify any impacts this may have on the City. Report to be provided to Council prior to January 16, 2008 agenda. Once report has been reviewed, Council will notify County regarding the City's position on this issue.

CONSENT AGENDA:

Moved by Walker and seconded by Solomon approval of the consent agenda with items 7 and 9 being removed and acted upon by separate motion as follows:

2. Approval of Council Minutes of November 21, 2007, November 27, 2007, December 3, 2007, and December 5, 2007 as presented.

3. Approval of Warrant and Payroll Registers for the month of November 2007 as presented.

4. Rejection of claim in the matter of Heirs of Eliseo Gomez vs. ECRMC as recommended by Insurance Carrier.

5. Approval of Resolution No. 07-168, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING EDA TITLE IX ECONOMIC ADJUSTMENT PROGRAM REVOLVING LOAN FUND ANNUAL PLAN CERTIFICATION.

6. Approval of Resolution No. 07-169, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING THE SUBMITTAL OF AN APPLICATION FOR THE FUNDING TO THE CALIFORNIA STATE DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE ENVIRONMENTAL JUSTICE: CONTEXT-SENSITIVE PLANNING GRANT; AND IF SELECTED FOR SUCH FUNDING, AUTHORIZING THE EXECUTION OF A STANDARD AGREEMENT BY THE CITY MANAGER AND ANY AMENDMENTS THERETO, AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE TRANSPORTATION PLANNING GRANT PROGRAMS.

7. *See Below

8. Approval of the Job Description and Pay Grade of G13 for the Human Resources Analyst as presented.

9. *See Below

AYES: Silva, Solomon, Edney, Viegas-Walker, Sanders
NOES: None
ABSENT: None
ABSTAINED: None

*7. Moved by Walker seconded by Solomon acceptance of the resignation of Jack R. Dunnam from the Planning Commission effective December 11, 2007, with regrets, and authorizing the City clerk to advertise the unscheduled vacancy.
Motion unanimously carried. All members present.

*9. Moved by Solomon seconded by Walker approval of the Plans and Specifications for the 2006 Dogwood Avenue Improvements in the City of El Centro and Release for Public Bidding.
Motion unanimously carried. All members present.

UNFINISHED BUSINESS:

10. Presentation was made by Terry Hagen, Director of Public Works/City Engineer regarding the proposed Ordinance pertaining to RV Parking on City Streets. The following individuals spoke regarding this item: Norman Self, Ellie Kussman, and Jenne Golden. Following discussion the following changes were made by Council:

Section 17-105 Vehicle Parking and Storage
paragraph (b) remove the words "per month" now to read: *consecutive period of forty-eight (48) hours, unless exempt by permit issued by the City.*

Paragraph m(3) change 72 hours to "5 consecutive days" – 3rd line now to read: *Five (5) consecutive days, unless a longer period is determined appropriate by the*

Moved by Walker seconded by Solomon approval of ORDINANCE NO. 07-18, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO ADDING SECTIONS 17-104 AND 17-105, TO CHAPTER 17, ARTICLE IV, DIVISION 1, OF THE EL CENTRO CITY CODE PERTAINING TO VEHICLE PARKING, as amended, to waive reading and pass as a first reading.

AYES: Silva, Solomon, Edney, Viegas-Walker, Sanders
NOES: None
ABSENT: None
ABSTAINED: None

11. Presentation by Ms. Norma Villicana, Interim Planning Director requesting direction on how the Planning Commission is to proceed on the City's Sign Ordinance whether to pursue a comprehensive update or proceed under the current scope of work to achieve consistency with the recently approved Zoning Ordinance. Mr. Dennis Bergh spoke. Council directed City Attorney to report back on January 16, 2008 with an

update on pending lawsuits involving signs, and at that time, Council will direct in which way they wish to proceed.

12. Grace Connor, Executive Assistant presented an update on the City of El Centro Strategic Planning Program 2005-2010. Council directed we not only involve City departments but include El Centro Regional Medical Center (possibly the Hospital Administrator) as they also have a Strategic Plan.

Council appointed Council Member Silva and Council Member Sanders to the Strategic Plan Task Force and asked that an update be given at the 1/16/08 meeting.

13. Moved by Sanders seconded by Walker that the regular meeting of January 2, 2008 be a Clerk's adjournment and the next regular meeting of City Council will be held on January 16, 2008.

AYES:	Silva, Solomon, Edney, Viegas-Walker, Sanders
NOES:	None
ABSENT:	None
ABSTAINED:	None

Mayor Edney reminded the City Council of the upcoming joint work study session with the Planning Commission and Community Services Commission regarding the Parks Master Plan on January 24, 2008 at 6:00 p.m. at the Community Center.

Council called for a recess at 8:05 p.m. and reconvened at 8:18 p.m.

ADDED ITEMS:

19. Presentation by Terry Hagen, Director of Public Works/City Engineer regarding the request from CBL for the Reduction of Labor and Material Bond for the IV Commons Project. Jennifer Greer, CBL Associates and Ron Russ, Russ Group also spoke regarding this item. Council Member Viegas-Walker disclosed that she had spoken to representatives from CBL and Mr. Ron Russ regarding letter of credit issues. Mayor Edney disclosed that he met with Ron Russ 12/18/07 afternoon and spoke to a representative from CBL this morning. Council Member Silva also disclosed he spoke to Mr. Ron Russ today. Discussion was held regarding the off-site water improvement (waterline).

Moved by Walker seconded by Solomon for approval of alternate #1 as presented in the staff report to not require a letter of credit for the waterline and maintain the existing performance and labor and material bond ($1,301,370.00).

AYES:	Silva, Solomon, Edney, Viegas-Walker
NOES:	Sanders
ABSENT:	None

20. Moved by Walker seconded by Silva approval of the reduction in bond amounts for Buena Vista Subdivision onsite and offsite work for Units #1 and #2 and accept DR Horton's replacement bonds for Unit 3 and Unit 4 for onsite and offsite work.

New Bond amounts for Unit 1-4:
Unit #1 onsite & offsite Performance, Labor and Material Bonds: $605,052.00 (Innovative Communities)
Unit #2 onsite & offsite Performance, Labor and Material Bonds: $379,300.00 (Innovative Communities)
Unit #3 ~~$2,267,252.25~~ (D.R. Horton) ***Correct amount: $1,518,156.00**
Unit #4 ~~$1,783,647.83~~ (D.R. Horton) ***Correct amount: $1,145,887.63**

(typographical error corrected on 9/29/08)

AYES: Silva, Solomon, Edney, Viegas-Walker, Sanders
NOES: None
ABSENT: None
ABSTAINED: None

Council directed staff to prepare a timeline of the work still needed to be completed in this subdivision with the anticipated completion dates. Report to be placed in Council Member boxes.

INFORMATIONAL ITEMS:

14. Received and referred to Planning Department, Application for Alcoholic Beverage License from the following:
    a. Golden Market, 1086 Adams Avenue, El Centro, CA
    b. El Centro Buffet, 550 N. Imperial Avenue, El Centro, CA

15. Received and filed status report on the Removal and Installation of "65 ton A/C Unit System at City Hall".

16. Received & filed letter of notification of automatic removal of Community Services Commissioner Jean Oswalt.

MAYORS/COUNCIL MEMBER REPORTS:

Silva: Reported on his luncheon with the Mexican Consulate
Solomon: Reported on the great time he had on the Christmas parade float, reported on the meeting with the County, Cal-Trans, CBL & City staff regarding the Tri-Party Agreement.
Sanders: IVAG: working on language for the Ordinance regarding Measure D
Edney: Planning Commissioner and Community Services Commission vacancies and Council appointments to be made on January 16, 2008. Reported on the Legacy Ranch Park dedication December 18, 2007. JACO Inspection of ECRMC may occur in January 2008.

ADJOURNMENT

Being no further business, meeting was adjourned at 9:25 p.m.

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L. Diane Caldwell, City Clerk

APPROVED BY

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Jon A. Edney, Mayor