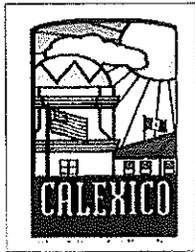


**AGENDA
ITEM**

5



AGENDA STAFF REPORT

DATE: October 20, 2015
TO: Mayor and City Council
APPROVED BY: Nick Fenley, Acting City Manager *Nick Fenley
ws 8/8*
PREPARED BY: Nick Servin, P.E., Public Works Director/City Engineer
 Carlos Campos, Interim City Attorney
SUBJECT: Adoption of a Resolution authorizing the City Manager to execute
 Certificates of Acceptance on the City's behalf (Gov. Code, § 27281)

=====

Recommendation:

That the City Council authorize its City Manager to execute Certificates of Acceptance on its behalf as provided by Government Code section 27281.

Background:

Government Code section 27281 allows the City Council to authorize an officer or agent on its behalf to execute Certificates of Acceptance to accept ownership of a property interest by the City.

Discussion & Analysis:

For public projects, the City accepts real property interests in order to construct and later maintain public improvements. The property interests that are acquired necessitate acceptance by the City Council or an authorized agent prior to recordation with the County Recorder. The City Council may authorize an officer or agent, in this instance, the City Manager, to accept the property interests on its behalf. This procedure is provided for in Government Code section 27281, which states that: "A public corporation or governmental agency, by a general resolution, may authorize one or more officers or agents to accept and consent to such deeds or grants." The adoption of a resolution authorizing the City Manager to execute Certificates of Acceptance will expedite the recordation of the interests to be acquired on behalf of the City.

Fiscal Impact:

None.

Coordinated With:

Nick Servin, P.E., Public Works Director/City Engineer.



Attachment:

1. Resolution authorizing the City Manager to execute Certificates of Acceptance on the City's behalf (Gov. Code, § 27281)

RESOLUTION NO. 2015-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO
AUTHORIZING THE CITY MANAGER TO EXECUTE CERTIFICATES OF
ACCEPTANCE**

WHEREAS, Government Code section 27281 requires a city to execute a Certificate of Acceptance for the recordation of any interest being accepted by the City; and

WHEREAS, the City of Calexico has public projects requiring property interests to be conveyed to the City; and

WHEREAS, Government Code section 27281 allows a City Council to adopt a Resolution authorizing a public officer (in this case, the City Manager) to execute the Certificates of Acceptance on its behalf; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Calexico hereby authorizes its City Manager to execute Certificates of Acceptance on its behalf in accordance with Government Code section 27281.

PASSED, APPROVED AND ADOPTED this 20th day of October, 2015.

Joong S. Kim, Mayor

Attest:

Gabriela T. Garcia, Deputy City Clerk

Approved as to Form:

Carlos L. Campos, Interim City Attorney

State of California)
County of Imperial) ss.
City of Calexico)

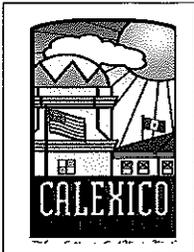
I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico, California, do hereby certify that the above and foregoing Resolution No. 2015-_____ was duly passed, approved and adopted by the City Council at its regular meeting held on the _____ of October, 2015, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

Gabriela T. Garcia, Deputy City Clerk

**AGENDA
ITEM**

6



AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager *Nick Fenley*

PREPARED BY: Nick Servin, Public Works Director/City Engineer *Nick Servin*

SUBJECT: Resolution of the City Council of the City of Calexico Approving Application for Funding for Calexico New River Parkway Project from State of California Recreational Trails Program

=====
Recommendation:

Resolution of the City Council of the City of Calexico Approving Application for Funding for Calexico New River Parkway Project from State of California Recreational Trails Program

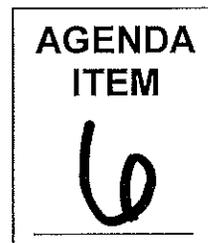
Background:

The Recreational Trails Program (RTP) is a state-administered local assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). Within the State of California, the Department of Parks and Recreation is authorized to administer the program. The RTP provides funds to the States to develop and maintain Recreational Trails and trail-related facilities for both non-motorized and motorized Recreational Trail uses. The RTP Program 2015 grant cycle offered funding for up to \$4 million per application, with up to 88% of the total project cost available from RTP funds. The applicant is responsible for obtaining a match amount that is at least 12% of the total project cost. The 12% matching amount will come from both Caltrans and Natural Resources funding for the New River Parkway Project.

On September 15, 2015, the City submitted an application to the RTP Program for \$1.5 million for the following Project:

Project Summary: Calexico New River Class I Bicycle Pathway Project

The New River Bicycle Pathway Project (Project) is construction of a 2.4 mile-long, Class I bicycle path along portions of the New River. The bicycle path would be classified as a Class I bicycle path because it would provide a



completely separated right-of-way for the exclusive use of bicycles and pedestrians, with no cross flow or motorized traffic along the proposed bicycle path.

Pursuant to Assembly 1079 (Chapter 382, Statutes of 2009), the California-Mexico Border Relations Council is required to create a strategic plan to study, monitor, remediate and enhance the New River's water quality to protect human health and develop a river parkway suitable for public use and enjoyment. The Project is a component of the larger New River Improvement Project as outlined in the New River Improvement Project Strategic Plan adopted by the Council in May 2012. As specified by AB 1079 and federal transportation funding legislation, an open space and recreational parkway has been proposed and initial funding has been provided by Caltrans and a match from California Proposition 84.

The proposed project consists of two primary components: 1) the construction and operation of a new Class I bicycle path; and 2) the improvement of parkways (e.g. landscaped overlooks) adjacent to the proposed bicycle path. The project also includes the construction of one new pedestrian bridge over the portion of the New River along the proposed bicycle path.

The proposed project would construct a new 12-foot wide paved asphalt path with 2-foot wide paved porous concrete shoulders. In addition, informational signs would be posted along the new Class I bicycle path, including notices, rules and/or restrictions on bikeway usage; and reminders to pet owners to clean up pet waste. Proposed informational signs would be carefully considered and made of easy to clean material. A total of three interpretive signs indicating habitats and species observed from the path and information on the history of the New River would be located along the proposed Class I bicycle path.

The location of the information signs will be determined later during the final design process. The proposed project would include the creation of landscaped overlooks at both ends and at various locations along the bicycle trail. Native, drought tolerant trees and plants will be planted through within these areas and decomposed granite applied as groundcover. Benches may be installed within selected landscaped overlooks for trail users. Figure 3 depicts the location of the proposed landscaped overlooks.

The project would also construct one pedestrian bridge over the portion of the New River along the proposed bicycle path near the trail's proposed 2nd Avenue entrance.

Discussion & Analysis:

Staff recommendation is to approve the attached Resolution to allow the City to apply for funding from the Recreational Trails Program administered by the California Department of State Parks.

Fiscal Impact:

If successful, this grant will bring in \$1,500,000 in additional funds to complete the Calexico New River Parkway Project.

Coordinated With:

Calexico New River Committee

Attachment:

1. Resolution of the City Council of the City of Calexico Approving Application for Funding for Calexico New River Parkway Project from State of California Recreational Trails Program

RESOLUTION NO. 2015-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO APPROVING APPLICATION FOR FUNDING FOR CALEXICO NEW RIVER PARKWAY PROJECT FROM STATE OF CALIFORNIA RECREATIONAL TRAILS PROGRAM

WHEREAS, the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” provides funds to the State of California for Grants to federal, state, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized trail Projects; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing Project Application under the program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of Application(s) before submission of said Application(s) to the State; and

WHEREAS, the Applicant will enter into a Contract with the State of California to complete the Project(s);

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Calexico hereby:

1. Approves the filing of an Application for the Recreational Trails Program; and
2. Certifies that the Project is consistent with the Applicant’s general plan or the equivalent planning document; and
3. Certifies that said Applicant has or will have available prior to commencement of any work on the Project(s) included in this Application, sufficient funds to operate and maintain the Project(s); and
4. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
5. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents, including, but not limited to Applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Project.
6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

PASSED, APPROVED AND ADOPTED this 20th day of October, 2015.

Joong S. Kim, Mayor

Attest:

Gabriela Garcia, Deputy City Clerk

Carlos Campos, City Attorney

State of California)
County of Imperial) ss.
City of Calexico)

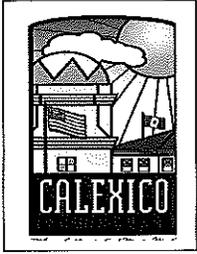
I, Gabriela Garcia, Deputy City Clerk of the City of Calexico do hereby certify the above Resolution No. 2015-__ was approved at a regular City Council meeting held on the 20th day of October, 2015, by the following vote to-wit:

AYES:
NOES:
ABSTAIN:

Gabriela Garcia, Deputy City Clerk

**AGENDA
ITEM**

7



AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Nick Fenley, Acting City Manager

SUBJECT: Resolution of the City Council of the City of Calexico
Approving Waste Prevention, Recycling & Purchasing
Recycled Products Policy.

=====

Recommendation:

Resolution of the City Council of the City of Calexico Approving Waste Prevention, Recycling & Purchasing Recycled Products Policy.

Background:

In 1989, AB 939 was passed establishing a new direction for waste management in the State of California with the creation of the California Integrated Waste Management Board (CIWMB) and establishing a mandate for local jurisdictions to meet diversion goals for waste formerly disposed at a landfill. AB 939 mandated local jurisdictions meet solid waste diversion goals of 25 percent by 1995 and 50 percent by 2000.

In 2000, the City of Calexico participated with neighboring jurisdictions in formation of a regional entity which took the form of a Joint Powers Authority (JPA). This JPA, referred to as Imperial Valley Resource Management Authority (IVRMA), was created to comply with changes in the regulatory environment. In 2010, the CIWMB's duties were transferred to the California Department of Resources Recycling and Recovery (CalRecycle).

Discussion & Analysis:

To assist in the increase of diversion rates, each jurisdiction is required to create an Integrated Waste Management Plan that looks at recycling programs, purchasing of recycled products and waste minimization. Please note that all City Departments are conscientious when it comes to waste handling, recycling and procurement of recycled products for City operations, the City of Calexico has not formally adopted a Policy for Waste Prevention, Recycling & Purchasing Recycling Products as required by AB 939.



The attached Policy reinforces existing practices and obligates all City Departments and those utilizing City facilities to participate in waste reduction, recycling activities, and purchasing recycled products when feasible.

Fiscal Impact:

None.

Coordinated With:

California Department of Resources Recycling and Recovery (CalRecycle) and Imperial Valley Resource Management Agency (IVRMA).

Attachment:

1. Resolution of the City Council of the City of Calexico Approving Waste Prevention, Recycling & Purchasing Recycled Products Policy.
2. City of Calexico Policy for Waste Prevention, Recycling & Purchasing Recycled Products.

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO APPROVING WASTE PREVENTION, RECYCLING & PURCHASING RECYCLED PRODUCTS POLICY

WHEREAS, the City Council of the City of Calexico, California, desires to provide waste prevention leadership through a model waste prevention program to encourage waste prevention within the City; and create an organizational culture that supports waste reduction and recycled content product (RCP) procurement practices in all aspects of its business operations.

NOW, THEREFORE, the City Council of the City of Calexico does hereby resolve as follows:

1. That the forgoing is true, correct and adopted.
2. That the City shall support the waste reduction goal and objectives as developed by the Source Reduction and Recycling Element Task Force, Joint Powers Authority or Regional Agency on Source Reduction and Recycling (Imperial Valley Resource Management Agency).
3. That in developing a waste reduction and recycled content product procurement policy for the City, the City Council acknowledges that changes to internal business operations shall focus on improvements to business functions to efficiently use resources, time, labor, and materials that will result in waste reduction.
4. That the City of Calexico will show leadership in waste reduction and procurement practices and that every City employee shall establish waste reduction practices and find ways to apply them within the organization.
5. That City management and staff will individually facilitate, promote and support the organization's effort to operate in a manner that exemplifies waste reduction and recycled content product procurement practices.
6. The City of Calexico will optimize the procurement of recycled-content products to meet the following criteria:
 - a. Price, quality and availability being comparable, the City shall buy recycled-content products rather than non-recycled content products; and
 - b. The City shall purchase the product with the greatest percentage of recycled content when faced with a choice of two or more products with recycled content.
7. The City Council shall seek opportunities to showcase, promote, and facilitate the purchase of recycled content products to citizens be serving as a model.

8. The City of Calexico Waste Prevention, Recycling & Purchasing Recycled Products Policy, attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

PASSED, APPROVED AND ADOPTED this 20th day of October, 2015.

Joong S. Kim, Mayor

Attest:

Gabriela Garcia, Deputy City Clerk

Carlos Campos, City Attorney

State of California)
County of Imperial) ss.
City of Calexico)

I, Gabriela Garcia, Deputy City Clerk of the City of Calexico do hereby certify the above Resolution No. 2015-__ was approved at a regular City Council meeting held on the 20th day of October, 2015, by the following vote to-wit:

AYES:
NOES:
ABSTAIN:

Gabriela Garcia, Deputy City Clerk

EXHIBIT A

CITY OF CALEXICO
WASTE PREVENTION, RECYCLING & PURCHASING RECYCLED PRODUCTS
POLICY

I. PURPOSE

AB 939 requires local governments to reduce waste going to the landfill. All City Departments/organizations and those using City facilities are required to participate in waste reduction and recycling and are responsible for ensuring that waste reduction and recycling policies and procedures are carried out effectively.

The purpose of this Administrative Procedure is to assign responsibilities, establish policies and procedures, and set guidelines for:

1. Reducing the amount of solid waste generated and going to the landfill by the City's day to day activities.
2. Purchasing of reusable/non-disposable products and restricting purchases to durable and reusable/non-disposable equipment, materials and products whenever possible.
3. Recycling of mixed paper and cardboard; proper disposal of fluorescent light bulbs, batteries, and other hazardous waste items listed.
4. Promoting and encouraging the purchase of products made from recycled materials, including but not limited to paper products, desk accessories and other office products.

II. GUIDELINES AND RESPONSIBILITIES

A. Procurement

1. Guidelines

- a. Recycled paper shall be purchased for all applications. The recycled paper shall contain the greatest amount of post-consumer content as economically feasible for general purposes, photocopy, special computer paper, department forms, business cards, Request for Proposals, City Reports to the community, plain paper fax machines, letterhead, envelopes, newsletters, and other applications as identified.
- b. At least fifty percent (50%) of the paper plates and paper cups purchased shall be manufactured from recycled material (it is preferred that reusable dishware is used whenever possible).
- c. Hand dispensing towels, napkins and toilet paper purchased shall contain at least 20% recycled material containing the greatest amount of post-consumer content as economically feasible.
- d. When stirring sticks are purchased to mix coffee additives, they shall be made of wood (it is preferred that reusable silverware is used whenever possible).
- e. New fax machines ordered from effective date of this policy shall have the capability of using plain paper.

CITY OF CALEXICO
WASTE PREVENTION, RECYCLING & PURCHASING RECYCLED PRODUCTS
POLICY

- f. New photocopier machines ordered shall have the capability to copy both sides of the paper.
- g. To ensure the health and safety of all employees, non-toxic cleaning supplies shall be purchased.
- h. Durable/reusable/recyclable products shall be purchased wherever feasible.
- i. Each department shall fully consider product reliability prior to purchasing to avoid the unnecessary disposal of products.
- j. Items shall be purchased in bulk whenever possible.

2. Responsibilities

The person initiating a purchase should verify that the purchase does not violate this procedure.

- a. All forms used for purchasing should be revised to include an area to note that the purchase complies with this policy.
- b. Department heads shall establish and maintain purchase order review procedures to ensure procurement/non-procurement policies and criteria are followed.
- c. Supplies received which are not in compliance with this policy should be returned by the department that ordered them.

B. Non-Procurement

The following is a list of items that shall NOT be purchase:

- a. Polystyrene: Any Styrofoam product. For example cups, plates and packaging material (peanuts).
- b. Plastic: Cups, dishware, stirring sticks and plastic throw away containers which are not reusable or recyclable as part of "Recycle Calexico."
- c. Astro-bright papers which are not recyclable.
- d. Products which are manufactured from non-recyclable material if an alternative product exists which is either manufactured from recycled material or can be recycled itself.
- e. Products which do not have one of the longest expected useful life ratings when compared to other useful life for similar products.
- f. Aerosol cans shall not be purchased.

CITY OF CALEXICO
WASTE PREVENTION, RECYCLING & PURCHASING RECYCLED PRODUCTS
POLICY

C. Waste Prevention/Recycling

1. Guidelines

- a. Staff should use e-mail where practical and effective for internal memos.
- b. All photocopying shall be double-sided when documents are greater than one page in length unless precluded by other valid requirements.
- c. All City of Calexico forms shall contain information on both sides unless not possible or precluded by other valid requirements. Forms shall be revised within 6 months from the effective date of this Policy to comply with this requirement. Each department shall provide the Recycling Coordinator with a list of forms their department uses and a copy of each new form created.
- d. Each department shall eliminate duplicate and unnecessary subscription copies of professional journals, magazines, and other correspondences.
- e. Paper/correspondence that has not been copied on both sides should be used as scratch or note paper made into notepads or used as draft copies for computer printers or copy machines prior to recycling. Each employee is encouraged to maintain an area at his or her desk for storing this scratch paper and using it for appropriate purposes.
- f. Department staff shall use remanufactured printer, copier, and fax toner cartridges.
- g. Recyclable materials shall not be placed in trash cans or waste baskets. The custodial staff should not empty trash cans or waste baskets that contain significant amounts of recyclable material and shall notify the Recycling Coordinator of any location where this is observed, so proper training and information can be provided on recycling.

2. Responsibilities

- a. All employees and those persons using City facilities are required to recycle as set out in this policy. Each department shall designate an area where recycling containers are kept.
- b. All recyclable materials shall be placed in the appropriate containers.

CITY OF CALEXICO
WASTE PREVENTION, RECYCLING & PURCHASING RECYCLED PRODUCTS
POLICY

- c. The Recycling Coordinator shall arrange for periodic inspection of centralized trash bins to determine if recyclable materials are being separated from the trash.
- d. The Recycling Coordinator and staff shall educate new staff on the recycling policies and make sure recycling containers are available.
- e. All of the following material generated by City Employees shall be recycled: mixed paper (white, colored, newspaper, envelopes, telephone books, catalogs, magazines), and cardboard.
- f. Mixed paper (including shredded paper) and cardboard shall be placed in one container. Departments will be informed of changes to “Recycle Calexico” and recycling material accepted.
- g. Each department shall make it convenient to recycle paper and cardboard at Employee’s desks or work space. This shall be accomplished by using a separate recycling container near the desk for these items. Custodial staff will collect paper and cardboard at desks or employees can empty their bin into the centralized recycling containers.
- h. Staff shall recycle all paper from fiscal year end long-term document storage purging activities.

D. Hazardous Waste

- a. All City of Calexico departments shall properly dispose of hazardous waste. These items include but are not limited to: fluorescent light bulbs, paints, solvents, pesticides, acids, items containing mercury or Freon, and automotive products (motor oil, oil filters and antifreeze). For a more complete list of hazardous wastes, contact the Recycling Coordinator or check the IV Resources Waste Management Agency’s website: www.ivrma.org.
- b. Hazardous waste can be taken to the Hazardous Waste Collection Facility at 500 W. 5th Street, Calexico, CA. The facility is open every Sunday from 8 a.m. to noon. The City must call 1-877- RECYCLE to make an appointment.

III. REPORTING

To ensure that the assigned responsibilities, established policies and procedures, and set guidelines established by this document are met, and to evaluate effectiveness, a reporting system shall be maintained. The reports shall monitor progress being made, highlight areas requiring additional focus, and provide information on the overall effectiveness of staff efforts to reduce the waste stream. Reports shall be formatted so they can be used as a management information tool.

CITY OF CALEXICO
WASTE PREVENTION, RECYCLING & PURCHASING RECYCLED PRODUCTS
POLICY

The reporting component of this policy shall consist of the following:

- Each department shall provide the Recycling Coordinator with the types of recycled products purchased annually. The Recycling Coordinator shall provide a format for the report.
- Each report shall include the following:
 1. Summary of waste prevention, recycle and buy recycled activities.
 2. Challenges or obstacles faced during the year.
 3. Recommendations for the next year.

IV. REFERENCE

A. Strategies for Preventing Waste:

- Reduce product use
- Rent and/or lease products and equipment or contract for services
- Purchase remanufactured, rebuilt or refurbished products
- Purchase more durable products
- Purchase products containing non-hazardous material
- Purchase products that are returnable, reusable or refillable
- Purchase products in bulk
- Purchase products with less packaging or reuse packaging
- Share or reuse resources within the organization

V. ITEMS NOT ADDRESSED IN PROCUREMENT POLICY:

Hazardous Waste

- Recycled latex paint vs. oil based paints
- Re-refined oil use in City vehicles
- Rechargeable batteries vs. disposable batteries
- Ban pesticide and herbicide use on all City property

Recycling/Composting

- Grass-cycling/composting
- Requiring bids, RFP's to be submitted on recycled content paper

Reuse

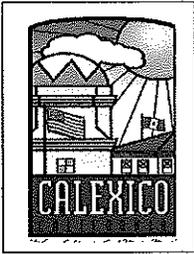
- Keeping surplus items out of the garbage

Other

- Using sustainably harvested wood

**AGENDA
ITEM**

8



AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager *Nick Fenley*
Dr. [Signature]

PREPARED BY: Nick Fenley, Acting City Manager
Best Best & Krieger LLP, Interim City Attorney

SUBJECT: Second Reading and Adoption by Title Only and Waive the Full Reading of Ordinance No. 1165 of the City Council of the City of Calexico's Purchasing Policy and Procedures to Reduce the Purchasing Authority of the City Manager and Make Other Changes to the City's Purchasing Policy and Procedures.



OPTIONS / RECOMMENDATION

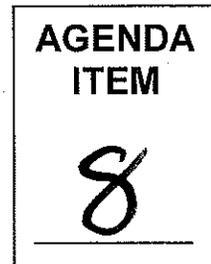
The City Council has the following options:

1. Approve the second reading and adoption of draft Ordinance No. 1165 by title only, and waiving the full reading of Ordinance that would adopt the Purchasing Policy and Procedures attached to the Ordinance. The amended Purchasing Policy and Procedures would limit the spending authority of the City Manager and Finance Director to \$10,000, among other changes.

BACKGROUND and DISCUSSION

California Government Code sections 54202 and 54203 require the City to adopt, by ordinance, a formal purchasing policy that governs the purchase of supplies and equipment by the City. Pursuant to that mandate, on March 6, 2007, the City Council adopted Ordinance No. 1045, which adopted the City's Purchasing Policy and Procedures that limited the purchasing authority of the City Manager to \$10,000.

On February 18, 2014, the City Council adopted Ordinance No. 1153, which increased the purchasing authority of the City Manager from \$10,000 to \$50,000.



At its meeting of September 15, 2015, by a vote of 3-1, the City Council moved to reduce the purchasing authority of the City Manager from \$50,000 to \$10,000 through the "re-adoption" of Ordinance No. 1045 which was adopted in 2007. There has been confusion on these specifics, which is the reason this Ordinance is being returned to the City Council for first reading. The attached draft Ordinance is identical to the Ordinance that was adopted in 2007, which limits the authority of the City Manger to \$10,000.

The attached draft Ordinance would adopt Purchasing Policy and Procedures attached thereto (the "Amended Purchasing Policy"), supplanting and replacing the existing Purchasing Policy.

At meeting of October 6, 2015, City Council approved the introduction of the draft ordinance and waiver of full reading of the ordinance.

FISCAL IMPACT

None.

Attachment:

1. Ordinance No. 1165, adopting the Purchasing Policy and Procedures.

ORDINANCE NO. 1165

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING THE CITY OF CALEXICO PURCHASING POLICY AND PROCEDURES TO REDUCE THE PURCHASING AUTHORITY OF THE CITY MANAGER AND MAKE OTHER CHANGES TO THE CITY'S PURCHASING POLICIES AND PROCEDURES

WHEREAS, the City of Calexico ("City") is a municipal corporation and general law city organized and existing under the Constitution and laws of the State of California; and

WHEREAS, the City has the authority to enter into contracts to carry out the functions of the City; and

WHEREAS, the City is required, under California Government Code sections 54202 and 54203, to adopt by ordinance a formal purchasing policy governing the purchase of supplies and equipment; and

WHEREAS, the City's existing purchasing policy was adopted by the City Council on February 18, 2014; and

WHEREAS, the City Council desires to revise the existing purchasing policy in the manner reflected in this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines that each of the findings set forth above are true and correct.

SECTION 2. An amended purchasing policy, attached hereto as Exhibit "A," is hereby adopted to establish procedures for the purchase of supplies, equipment, and services, to secure supplies, equipment, and services at the lowest possible cost commensurate with needed quality, to exercise financial control over purchases, define authority for the purchasing function of the City and reduce the purchasing authority of the City Manager.

SECTION 3. The purchasing policy attached hereto as Exhibit "A" shall supersede and replace the prior purchasing policy that was adopted by the City Council on February 18, 2014.

EFFECTIVE DATE: This Ordinance shall become effective thirty days after its adoption; the City Clerk shall certify the adoption of this Ordinance and cause it to be published as required by law.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Calexico on the 6th day of October, 2015; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Calexico, California, on the 20th day of October, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Joong S. Kim, Mayor

ATTEST:

Gabriela Garcia
Deputy City Clerk

APPROVED AS TO FORM:

Best Best & Krieger LLP
Interim City Attorney

EXHIBIT "A"
CITY OF CALEXICO PURCHASING POLICY & PROCEDURES

ISSUE DATE: _____, 2015

The purpose of this procedure is to provide the City of Calexico a means of assuring continuity and uniformity in its purchasing operation and to define the responsibilities for purchasing supplies, services and equipment for the City of Calexico. The general rule is that a general law City cannot take action except through its City Council. Further, a City cannot be obligated under a contract except through action by its City Council. However, the City Council chooses to create this policy so that certain contracts can be formed and purchases can be made without formal action by the City Council so that the City can operate efficiently. The basic standard that should always prevail is to exercise good judgment in the use and stewardship of City resources, including keeping within the budget authorized by City Council.

The policy outlined herein is to be adhered to by all Departments when procuring supplies, services and equipment. This policy strives to define making the prudent review and internal control procedures and to maintain Department Head responsibility for their budget and flexibility in evaluating, selecting and purchasing supplies, equipment and services.

Unauthorized Purchases

Except for urgencies or other authorized exemptions as stated in these guidelines, no purchase of supplies, services, or equipment shall be made without an authorized purchase order. Unless allowed by some other City Council ordinance, resolution, or law, a purchase or contract formed in violation of this Policy is void. An employee ordering the unauthorized purchase may be subject to reprimand for violation of this policy.

Purchase orders shall be issued prior to ordering supplies, equipment and services and not after the fact for work already done or materials already ordered.

City employees, officers or officials shall not solicit or accept gifts except for those items that can be shared by all staff such as food and flowers. In addition, no employee, officer, or official shall be entitled to any special consideration, i.e. discounts from vendors and merchants in their personal affairs.

Vendor Relations

It is to the City's advantage to promote and maintain good relations with vendors. The Finance Department and Departments' staff shall conduct their dealings with vendors in a professional manner and shall promote equal opportunity and demonstrate fairness, integrity, and courtesy in all vendor relations. When feasible to do so, vendors within the City of Calexico should be utilized for supplies, services and equipment. When determining the lowest responsible bidder, the amount of local City sales tax included in the bid submitted by a local vendor shall be credited by the City against said bid.

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CITY OF CALEXICO PURCHASING POLICY & PROCEDURES

Purchasing Method

Requirements for certain purchasing dollar limits

Purchasing dollar limits are "per order". This policy specifically prohibits splitting an order to circumvent the specified dollar limits. Departments shall contact the Finance Department to coordinate volume bids of repetitive requirements (i.e., the frequent purchase of items such as chemical, paper goods, etc., which annually exceed the specified limits).

Purchases of Less than \$2,500 – Over-the-Counter

For purchases of less than \$2,500, the authority to award is the Department Head. Comparative pricing is not required but shall be used when practical. Prudent judgment shall be used at all times. All departments may purchase supplies, equipment, and services, of less than \$2,500 without competitive bidding.

Purchase between \$2,500 - \$9,999 – Open Market

For Purchases of between \$2,500 and \$9,999 the authority to award is the City Manager or Finance Director. Department staff shall not award purchase orders for \$2,500 or more without the approval of the City Manager, Finance Director, or Assistant Finance Director, except in the event of an urgency purchase (see Urgency Purchases). All Departments shall obtain three oral or written competitive quotations whenever possible for purchases. The Department should submit a requisition, which includes the recommended vendor, with all supporting documentation to the Finance Department. Supporting documentation shall include competitive price quotes obtained, names of vendors contacted, description of the items required, and certificates of insurance if applicable. The Finance Department should review the recommendation and supporting documentation and may contact additional sources for quotations.

The City Manager, Finance Director, or Assistant Finance Director may award purchase to the lowest responsive and responsible bidder whose quote fulfills the intended purpose, quality, and delivery needs of the solicitation, provided that an appropriation for that item exists. In lieu of awarding the purchase, the City Manager, Finance Director, or designee may reject bids, or may negotiate further to obtain terms acceptable to the city.

Purchases of \$10,000 or More – Formal Bid

Purchases that exceed \$9,999 require a Formal Bid Process and City Council approval. See Informal and Formal Bid Process.

Open Purchase Orders

An Open Purchase Order is an agreement whereby the City contracts with a vendor to provide equipment or supplies on an as-needed and often over-the-counter basis. Open Purchase Orders provide a mechanism whereby items, which are uneconomical to stock, may be purchased in a manner that allows field operations timely access to necessary materials. Open Purchase Orders shall not be used to purchase services, capital assets or items maintained in stock.

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The Finance Department shall request confirmation of Open Purchase Orders annually, before the beginning of the fiscal year. Requests for Open Purchase Orders may also be submitted to the Finance Department on an as-needed basis. The Finance Department shall review the Open Purchase Order requests based upon the following criteria:

1. Geographic location
2. Responsiveness and capabilities
3. Average dollar value and type of items to be purchased
4. Frequency of need

All Open Purchase Orders shall include the following information:

- a. A general description of the equipment or supplies which may be charged;
- b. The period of time the order will remain open, not to exceed one fiscal year;
- c. The maximum total amount which may be charged on the purchase order;
- d. Items excluded from the purchase, if applicable;
- e. Requirement that employees print and sign their names when picking up goods; and
- f. Account number to be charged.

Once an Open Purchase Order is issued to a vendor, any authorized City employee may contact the vendor directly to place orders per the terms and conditions in the Open Purchase Order.

Contract Purchase Orders

Contract Purchase Orders are the preferred method of purchasing repetitive-use items or services, for example office supplies, which may be common to several departments or within one department. Establishing Contract Purchase Orders provides a means of obtaining volume pricing based upon the combined needs of all departments, reduces the administrative costs associated with seeking redundant competitive bids and processing a Purchase Order each time an order is placed, and allows Departments to order as needed, reducing the requirement to maintain large inventories of stock.

If a Contract Purchase Order exists, Departments shall order all of their requirements from the successful vendor. No other source shall be used without prior approval of the Finance Department. Departments shall submit in writing to the Finance Department any performance problem encountered immediately following the occurrence so that corrective action may be taken.

Contract Purchase Orders are annual and may include option for renewal for specific products, product types, or services at agreed upon prices or pricing structure and for a specified period of time.

Cooperative Purchases

The City may participate in purchases and contracts established by other political jurisdictions, provided the cooperative agreement is established following a competitive

EXHIBIT "A"
CITY OF CALEXICO PURCHASING POLICY & PROCEDURES

bid process. The City Manager may authorize the award of cooperative purchase agreements up to \$9,999. City Council approval is required for the award of any cooperative purchase of \$10,000 or more.

Sole Source Purchases

Commodities and services, which can be obtained from only one vendor, are exempt from competitive bidding. Sole source purchases may include proprietary items sold directly from the manufacturer, items that have only one distributor authorized to sell in this area or a certain product had been proven to be the only product that has proven to be acceptable. All sole source purchases shall be supported by written documentation signed by the appropriate Department Head and forwarded to the Finance Department. The Finance Director or designee will make final determination that an item is a valid sole source purchase.

Urgency Purchases

An urgency is one where there is an unforeseen situation which requires immediate procurement of materials or services in order to continue operations of an essential department, or for the preservation of health, safety and welfare of the people, or protection of property, when there is a present, immediate and existing danger. A depletion of stock through normal routine usage is not considered an urgency item.

Urgency purchases may be made without competitive bidding when time is of the essence, and shall be made only for the following reasons:

1. to preserve or protect life, health or property; or
2. upon natural disaster; or
3. to forestall a shutdown of essential public services

Since urgency purchases do not normally provide the City an opportunity to obtain competitive quotes or properly encumber funds committed, sound judgment shall be used in keeping such order to an absolute minimum. In addition, the following requirements shall apply:

4. The Finance Department shall be contacted as soon as possible for an advance purchase order number, which may be given verbally to cover the urgent transaction. If unable to contact the Finance Department place the order and contact the Finance Department the next workday.
5. A completed purchase requisition shall be submitted to the Finance Department within two working days, or as soon as possible as the information is available. The appropriate Department Head shall sign all purchase requisitions for urgent purchases.
6. Documentation explaining the circumstances and nature of the urgency purchase shall be submitted by the appropriate Department Head as follows:
 - a. Purchases less than \$2,500: Use standard purchasing procedure;
 - b. Purchases in the amount of \$2,500 - \$9,999: Report to the Finance Director by processing requisition within one day;

EXHIBIT "A"
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- c. Purchases of \$10,000 or more: 1) Report to the City Manager within two working days, and 2) report to the City Council at its next scheduled meeting for ratification
- 7. If the urgency purchase causes any budget line item to exceed the adopted budget, it shall be the responsibility of the Department requesting the purchase to make a transfer to cover the purchase or obtain subsequent City Council approval for an additional appropriation to cover the purchase. If funds are available to transfer from another budget line item, the Transfer of Appropriation form shall be used. If the urgency purchase requires an increase in the Adopted Budget, a Budget Amendment Resolution form must be submitted to the City Council for approval.

Purchase Order Exemptions

Certain purchases are not readily adaptable to the open market and formal bidding process. These purchases are generally for items where the competitive bid process is not applicable or where a check is required to accompany the order. Following is a list of allowable exemptions:

Advertisements and Notices	Payments to other Governmental Units
Attorney Services	Petty Cash Replenishments
Consultant Services	Property Rentals
Courier/Delivery/Messenger Services	Subscriptions
Insurance Claims and Premiums	Trade Circulars or books
Medical Payments	Travel Expense/Advances
Membership Dues	Utility Payments

Exemptions are limited to those items listed above. Departments may submit written requests for additional exemptions to the Finance Department. If warranted, additional exemptions will be added to this list.

If a vendor requires a Purchase Order to process an order, the department shall submit a purchase order requisition to the Finance Department to initiate a purchase order.

Petty Cash

A petty cash advance is used to obtain petty cash for a quick purchase of small items from a local store. Department Heads have approval of petty cash purchases up to \$25 only. Only the Finance Director or the Assistant Finance Director can approve petty cash purchases over \$25 to a maximum of \$100. All petty cash transactions must be completed on the same day an advance is made. If the transaction cannot be completed the cash must be returned to Accounts Payable by the end of the day and another advance obtained the next day.

Petty cash advances are obtained from Accounts Payable. When seeking an advance obtain the appropriate form from Accounts Payable and fill out form with date, name, department description, account number and signature. After the purchase is made please submit receipt with any unused money. A petty cash voucher is then prepared by Accounts Payable, which will be used to reimburse the petty cash fund.

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CITY OF CALEXICO PURCHASING POLICY & PROCEDURES

Purchase Award

1. Lowest responsive and qualified bidder
 - A. Bids shall be awarded to the "responsive" and "qualified" bidder who submits the lowest bid.
 - B. In determining the lowest "responsive" bid, the following elements shall be considered in addition to price:
 - a. A responsive bid is one, which is in substantial conformance with the requirements of the invitation to bid, including specifications and the City's contractual terms and conditions. Bidders who substitute terms and conditions or who qualify their bids in such a manner as to nullify or limit their ability shall be considered non-responsive bidders.
 - b. Conformance with the requirements of the invitation to bid may also include providing proof of insurance, completing all forms, including references, and all other information as requested in the bid document.
 - c. The successful bidder must demonstrate the ability to successfully fulfill a contract, including rendering of subsequent and continuing service. Staff may request proof of a prospective bidder's reliability. Prospective bidders may be requested to furnish proof of financial resources, a list of current or previous customers, and other pertinent data. Such action may also be taken after receipt of bids.
 - d. A bidder may be determined to be non-responsive if a prospective bidder fails to furnish proof of qualifications when required.
 - C. In determining the lowest "qualified" bidder, the following elements shall be considered in addition to price:
 - a. That the products offered provide the quality, fitness, and capacity for the required usage.
 - b. That the bidder has the ability, capacity and skill to perform the contract satisfactorily and within the time required.
 - c. That bidder's experience(s) regarding past purchases by the City or other public agencies demonstrates the reliability of the bidder to perform the contract.
 - D. When a bid is recommended to be awarded to other than the low bidder, written justification is required. The written statement, signed by the appropriate department head, shall be attached to the purchase requisition.
2. Rejection of Bids

The City Council shall have the authority to reject any or all bids, upon recommendation of the City Manager. The City Manager may recommend rejection of any or all bids if it is determined to be in the best interests of the City. Reasons for rejection may include, but are not limited to, the following: 1) a bid is determined to be non-responsive, 2) the number of bids received is inadequate, 3) bids received are not reasonably uniform in price, or 4) the lowest bid received is deemed to be too high. If all bids are rejected, the requesting Department may

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be authorized to re-solicit bids, negotiate a contract for the purchase, or abandon the purchase.

3. Tie Bids

If two or more bids are received which are in all respects equal, the City Manager may accept the one deemed to be in the best interests of the City.

Change Orders

Purchase Orders represent a contract between the City and the Vendor. Any substantial change to a Purchase Order shall be documented as a change order. Change Orders shall be reviewed and approved by either the Finance Director or the City Manager. A purchase order may not be increased by more than 10% or \$100 whichever is less without a change order except for taxes, shipping and handling as discussed below.

In the event the purchase of supplies or services exceeds this limit, written authorization must be given to the vendor by the City Manager, Finance Director, or designee in order to proceed.

Taxes, shipping and handling may cause the purchase order to exceed the authorized purchase order amount. These items do not require a change order, even if they exceed 10% of the original purchase order amount.

This section does not apply to Change Orders for housing programs and public works and utility construction and/or improvement contracts. All public works and utility construction and/or improvement contracts in the amount of \$100,000 or more that require a Change Order, which results in either an increase or a deduction in the original contract amount, must be approved by the City Council. All housing program contracts, that result in an increase in the original contract including any contingency, shall be approved by the City Manager, if the Change Order exceeds 20% of the total contract.

Informal and Formal Bid Process

Except as otherwise exempted in the policy, supplies, services and equipment with an estimated value of \$2,500 to \$9,999 shall be purchased following an Informal Bid Process and purchases of \$10,000 or more shall be made following a Formal Bid Process.

To initiate the informal/formal bid process, the Department making the request shall provide specifications for the item to be purchased and documentation showing the existence of an unencumbered appropriation for the item in the current approved budget.

Informal bids may be posted at City Hall, mailed to prospective bidders a minimum of ten calendar days before the due date, or solicited over the phone. Formal bids shall be posted at City Hall and shall be published at least once in a newspaper of general circulation as required by State law, and, if applicable, in appropriate trade publications. The date of publication shall be at least ten days before the due date. All formal bids shall be sealed and shall be publicly opened and read at the date, time and place indicated in the published notice.

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Bids shall be reviewed for compliance with specifications by the requesting Department. All deviations shall be fully documented by the requesting department and the impact of the deviations on the performance or suitability of the bid item shall be detailed. Staff will prepare and forward a recommendation for approval of purchase. Informal bids shall be approved by the City Manager. Formal bids shall be approved by the City Council.

Credit Card Usage

Under certain circumstances the use of a city credit card may be the most appropriate method for certain purchases. The following policies and procedures are established to insure internal control and timely payment of charges.

1. City bank, gasoline, vendor credit cards will be signed out on an as-needed basis to City Council or staff at the sole discretion of the Finance Department or the appointed designee, in accordance with internal control procedures. Failure to comply with established procedures may result in discontinuance of use by the employee/department.
2. Because of Internal Revenue Service (IRS) tax reporting requirements, except for Urgency Purchases, city credit cards may not be used to purchase services provided by vendors who are doing business as partnerships or sole proprietors. Examples of this include, but are not limited to:
 - a. Labor charges for auto repair
 - b. Plumbers
 - c. Construction contractors
3. City credit cards shall be available to the City Council and staff for the conduct of official City business included but not limited to the following purposes:
 - a. Gasoline purchases
 - b. Authorized travel expenses and hotel charges, which shall subsequently be documented on the travel reconciliation report
 - c. To charge the cost of meals when required in the conduct of official business except when an employee is traveling in a per diem basis
 - d. Other circumstances where the use of a credit card best meets the City's purchasing needs as determined by the Finance Director or the appointed designee
3. Only the City Manager, Finance Director and City Council are authorized to carry a bank credit card at all times. Gasoline cards and vendor credit cards may be signed out by an employee authorized to purchase items and may be distributed by that authorized employee to personnel under their supervision as long as that authorized employee later approves the receipt. Once the purchase is complete the credit card shall be returned.
4. All receipts must be turned in when credit card is turned in.
5. No personal items shall be charged on any City credit card except those charges that might be incidental to another charge made on the card for

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travel or meetings. Whenever one of these personal charges is made on the City credit card, the charges will be reimbursed to the City when the travel is completed. Under no circumstances shall a single personal charge be made on a City credit card. Intentional use of the credit card for other than appropriate City use could be considered an attempt to commit fraud against the City of Calexico. Proof of such fraud could result in immediate cancellation of your credit card and disciplinary action against you under applicable City of Calexico Personnel Rules and Regulations. You will be personally liable to the City for the amount of any non-approved purchases. If you leave the City, you must return your credit card to the Finance Director prior to leaving.

Professional Consultant Selection

Selection of Consultants for Professional Services (General):

The following criteria shall be used to determine approval authority for Professional Consultant Service Contracts:

Contracts under \$2,500	Department Head Approval
Contracts of \$2,500 - \$9,999	City Manager Approval
Contract of \$10,000 or greater	City Council Approval

This policy specifically prohibits splitting a purchase to circumvent the limits set forth above.

The appropriate Department Head, with the approval of the City Manager shall prepare a scope of work consistent with budget and project authorization of the City Council. The Request for Proposal (RFP) shall outline the City requirements and project description. The list of solicited firms will be drawn from firms who, in the opinion of the Department Head, can perform the work. A Request for Qualifications may first be necessary if the required services are particularly specialized or if the qualifications of the available consultants are unknown. The list of solicited firms may be limited to a minimum of 3 to 5 due to time constraints or specialties involved.

The involved Department Head(s), who shall make a recommendation to the City Manager, shall conduct the initial review of proposals.

Qualifications should be the determining factor in the selection of a professional consultant. Staff shall then negotiate the final fee based upon the agreed scope of work.

Prior to approval of a contract, the Department Head shall conduct appropriate background and reference checks and ensure that adequate bonding or security, if required, is posted.

Consultants shall comply with all regulations and laws dealing with conflict of interest disclosure and reporting. Consultants shall not be engaged if a conflict of interest exists.

Approval of "Additional Work" items shall comply with the cost limits.

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CITY OF CALEXICO PURCHASING POLICY & PROCEDURES

Selection of Consultants for Professional Services for Continuing Services:

Professional firms providing engineering, land surveying, transit, planning, environmental, auditing, landscape architecture or other services may be retained on a continuing basis to provide professional services. The Department Head, with the approval of the City Manager may contract on a project-by-project or on a retainer basis for additional work/services without going through the RFP and selection process. At least every three years these arrangements shall be reviewed and every effort shall be made to receive proposals from at least three consultants to perform the same services. This is to ensure the city is receiving the best value in their service.

During the budget process the Finance Department shall make a written request to each Department Head to submit to the City Manager a list of consultants currently under contract by their department, setting forth name of firms, type of services, cost of contracts, length of contracts and date entered into, and the number of years retained by the City.

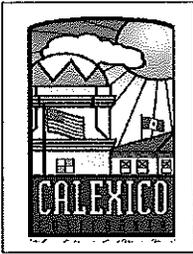
Exclusions

The provisions of this policy shall not apply:

1. To public works projects (governed by the provisions of the California Public Contracts Code);
2. To franchises (governed by the provisions of the California Utilities Code or other statute of the State of California);
3. Where State or Federal law requires a different procedure;
4. To franchises, rights, privileges, licenses and permits granted by the City;
5. To the purchase of insurance;
6. To the leasing, purchase or sale of land or any interest therein;
7. To the hiring of City employees or contract providers;
8. To construction contracts other than public works projects;
9. To the purchase of utilities, including, but not limited to, telephone service, gas, electricity or water.

**AGENDA
ITEM**

9



AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: John M. Moreno, Council Member

SUBJECT: Time Limits for City Council Meetings

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Recommendation:

Recommendation for Council to approve proposed meeting schedule.

Background:

At the meeting of September 1, 2015, Council Member Moreno suggested placing limits on City Council Meetings. Council Member Moreno expressed concern over the length of the meetings and felt that meetings could end at a more reasonable time. Item was addressed at the October 6, 2015 meeting and no action was taken and Council unanimously agreed to continue item for the next meeting.

Discussion & Analysis:

Council Member Moreno suggested a schedule be set up for the meetings. The proposed schedule is as follows:

Closed Session: 5:30 p.m. to 6:30 p.m.
Regular Session: 6:30 p.m. to 9:30 p.m.
Closed Session: 9:30 p.m. to 10:00 p.m. (if needed)

Fiscal Impact:

Fiscal Impact would include a reduction of video recording, translation and staff overtime costs.

Coordinated With:

None.

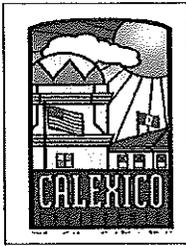
Attachment:

None.



AGENDA
ITEM

10



AGENDA STAFF REPORT

DATE: Oct. 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager *Nick Fenley
10/28/15*

PREPARED BY: Pete Mercado, Fire Chief *Pete Mercado*

SUBJECT: Purchase Mobile Shower and Restroom Facility for Calexico Fire Department Station 1

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Recommendation:

Approve the purchase of a mobile shower and restroom facility to address the dilapidated facilities at fire station one.

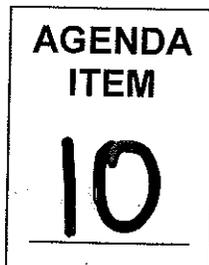
Background:

Fire station 1 has been deteriorating due to its age and damaged plumbing infrastructure. A study was conducted in 2009 deeming the facility suitable for a major refurbishment or possible relocation due to its limited size and plumbing and structural deficiencies. The most recent issue requires immediate resolve due to multiple showers and restroom facilities no longer being functional. There are numerous health and safety concerns that result in these findings and an immediate resolve needed to be found. The idea of leasing a mobile shower and restroom facility is an immediate fix to the problem and would allow the fire department staff and operations to be moved into the courthouse facility until a long term fix was reached.

Discussion & Analysis:

Two options existed with Modular Building Concepts Inc., which was the lowest quote received. One option was for a 90 day lease that could be extended in 90 day increments at \$9,508.50 lease payments. Option two was for a flat purchase of the modular unit for \$36,060.33.

Given that the fire headquarters facility is in very poor conditions, requires remediation of various health and safety issues, and that no near future plans for construction of a new fire facility exist, the most viable option would be to purchase the modular facility



versus 90 day lease increments. The cost benefit analysis would show that even with the most efficient design and construction or repair of the existing fire station, the project would not be completed in less 18-24 months. The leasing option would be more costly and not the best financial decision for this project.

Fiscal Impact:

Option 1: Lease modular facility 90 days totaling \$9,508.50 (renewable in 90 days increments)

Option 2: Purchase modular facility totaling \$36,060.33

Coordinated With:

None

Attachment:

Sales quotation and lease agreement option



Modular Building Concepts, Inc.
 12580 Stotler Court Poway, CA 92064
 (858) 679-1185 -- Fax: (858) 679-6804
 www.mbconcepts.com

Lease Date: 9/23/2015
 Lease #: 14127
 Acct Rep Kerper
 Unit Number 459
 Insurance Value: \$ 38,090

LEASE AGREEMENT

Lessee

Pete Mercado
 Calexico Fire Department
 430 East 5th Street
 Calexico, CA 92231
 (760)427-4215
 pmercado@calexico.ca.gov

Delivery Location

Site Contact:
 Address:
 City: Calexico ZIP
 Project Name:
 Site Phone:
 Prevailing Wage: No
 Estimated Mileage: 117
 Tax Rate 8.00%

Monthly Charges

Qty	Description	Size	Unit #	Model	Monthly Rate	Tax	Minimum Lease Term	Totals
1	Mobile Office Trailer	12 X 60	459		\$ 1,950.00	\$ 156.00	3 Months	\$ 6,318.00
0					\$ -	\$ -	3 Months	\$ -
0	Standard Non-OSHA Step (FREE)				\$ -	\$ -	3 Months	\$ -
1	Physical Damage Waiver				\$ 292.50	\$ 23.40	3 Months	\$ 947.70
0					\$ -	\$ -	3 Months	\$ -
0					\$ -	\$ -	3 Months	\$ -
Total Recurring Charges								\$ 7,265.70

One Time Charges

	Each	Tax Ea.	Total	
Delivery and Installation				
1	Transport - 12' Wide Delivery	\$ 855.00	\$ 68.40	\$ 923.40
1	Block and Level (Basic Installation)	\$ 90.00	\$ -	\$ 90.00
0	Install Tie-Downs (Optional)	\$ 75.00	\$ 6.00	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
Total Delivery and Installation:			\$ 1,013.40	
Dismantle and Return*				
1	Transport - 12' Wide Return (*Estimate Only)	\$ 855.00	\$ 68.40	\$ 923.40
1	Dismantle (*Estimate Only)	\$ 90.00	\$ -	\$ 90.00
0	Remove Tie-Downs*	\$ 20.00	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -
1	Cleaning Charges (Billed at Lease End)	\$ 216.00	\$ -	\$ 216.00
Total Dismantle and Return:*			\$ 1,229.40	
Total Lease Charges:*			\$ 9,508.50	

Comments:

* Actual cost at lease end based on scope of work, site conditions, and prevailing rates at time of return transport. If tires, axels & hitches need to be removed due to unlevel site, or unit needs to be rolled into position, additional costs will apply. Set-up based on 1,500 p.s.f. soil bearing capacity. Building permits and utility connections are excluded. Assumed site is prepared, level, compacted and easily accessible. Tie downs not included unless stated above. Qty or type of tie-downs may change based on local code or client requirements. Payment terms and deposits subject to credit approval. Terms: Net 30. One month's deposit due in advance. All units subject to availability. Unless otherwise stated, all pricing is NON PREVAILING WAGE. Pilot cars and/or transportation permits (if required) will be an additional charge. Damage charges (if any) not included. Lease agreement is based on attached floorplan and specifications. Lease is subject to MBC's Terms and Conditions.

By signing this document, customer accepts attached Terms and Conditions. (Attached 2 pages)

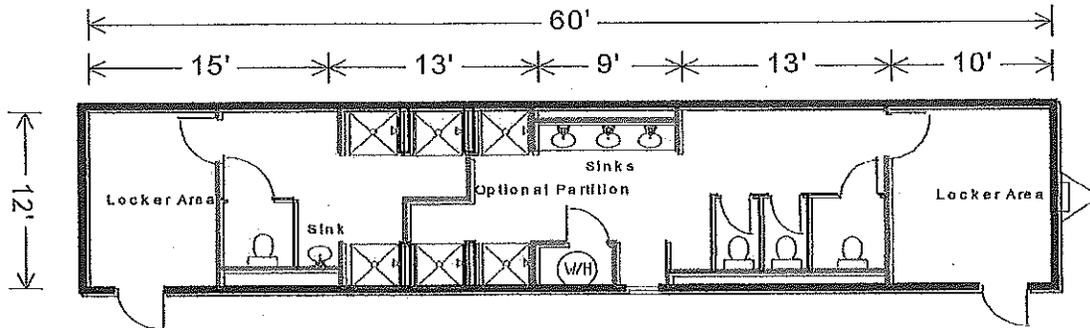
Lease Approval by: _____ Title: _____ Date: _____

Modular Building Concepts, Inc.
12580 Stotler Ct. Poway, CA 92064
Ph (858) 679-1185 Fax (858) 679-6804

www.mbcconcepts.com

Size 12'x60' Unit # 459

Shower/Restroom Trailer



Standard Features

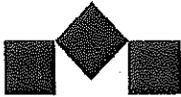
- Floors** 1/8" commercial grade tile, shower area commercial linoleum
- Walls** FRP
- Ceiling** 8' suspended acoustical ceiling
- Roof** 30 Ga galvanized standing seam metal roof
- Siding** 5/8" T1-11 plywood (or equal) grooved 8" o.c.
- Doors** 3'x6'8" metal clad hollow core with dead bolt
- Windows** 36"x12" obscured sliding window with bronze aluminum frames
- Lighting** 2'x4' recessed fluorescent light fixtures
- HVAC** Electric heating and cooling, 4 ton
- Insulation** Floor R-11, Exterior Walls R-11, Roof R-19
- Electrical** Single phase, 200 amp sub panel(s), 110 V duplex receptacles
- Code** California Dept of Housing (DOH) type 5, non rated, B-2 commercial coach

Dimensions are Approximate Features subject to change

Date: 9/23/2015

Calexico Fire Department

Lease# 14127



Modular Building Concepts, Inc.
 12580 Stotler Court Poway, CA 92064
 (858) 679-1185 - Fax: (858)679-679-6804
 Certified CA Small Business #8480
 www.mbconcepts.com

Quote Date: 9/28/2015
 Quote #: 13968
 Quote Expires: 10/28/2015
 Acct Rep: Kerper

Sale Quotation

Purchaser

Pete Mercado
 Calexico Fire Department
 430 East 5th Street
 Calexico, CA 92231
 (760)427-4215
 pmercado@calexico.ca.gov

Delivery Location

Calexico

Building

Prevailing Wage: No

Estimated Miles: 117

Qty	Description	Size	Unit ID	Serial #	Price	Estimated Tax*	Total Price
1	Mobile Office Trailer	12 x 60	459		\$ 29,900.00	\$ 2,392.00	\$ 32,292.00
1	License/Transfer Fees*				\$ 350.00	\$ -	\$ 350.00

Delivery and Installation

Qty	Description	Each	Total	Estimated Tax*	Total Price
1	Transportation to Site 12' Wide	\$ 855.12	\$ 855.12	\$ 68.41	\$ 923.53
1	Block and Level - Instalation	\$ 90.00	\$ 90.00	\$ 7.20	\$ 97.20
0	Install Tie-Downs in Asphalt/DG (optional, per each price, 16 recommended)	\$ 75.90	\$ -	\$ -	\$ -
24	Piers	\$ 15.00	\$ 360.00	\$ 28.80	\$ 388.80
24	Pads	\$ 15.00	\$ 360.00	\$ 28.80	\$ 388.80
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
Delivery and Installation Subtotal:			\$ 1,665.12	\$ 133.21	\$ 1,798.33

Building, Delivery and Installation Total: \$ 31,915.12 \$ 2,525.21 \$ 34,440.33

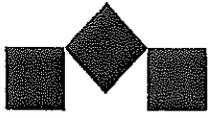
Options

Qty	Description	Each	Total	Estimated Tax*	Total Price
2	Standard Commercial Trailer Step (non code compliant, 3.5' x 3.5' landing)	\$ 750.00	\$ 1,500.00	\$ 120.00	\$ 1,620.00
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
0		\$ -	\$ -	\$ -	\$ -
Total Options:			\$ 1,500.00	\$ 120.00	\$ 1,620.00

Total Quote Including Options: \$ 33,415.12 \$ 2,645.21 \$ 36,060.33

* Estimate Only, some items may not be subject to tax. Payment terms and deposits subject to change based on final credit approval from Modular Building Concepts, Inc. 25% Deposit required prior to ordering buildings. Quotation is subject to Terms and conditions. Pricing is based on NON-PREVAILING WAGE. Pilot cars and/or transportation permits (if required) will be an additional charge and billed to client. Tax amount subject to change based on rates in effect when billed

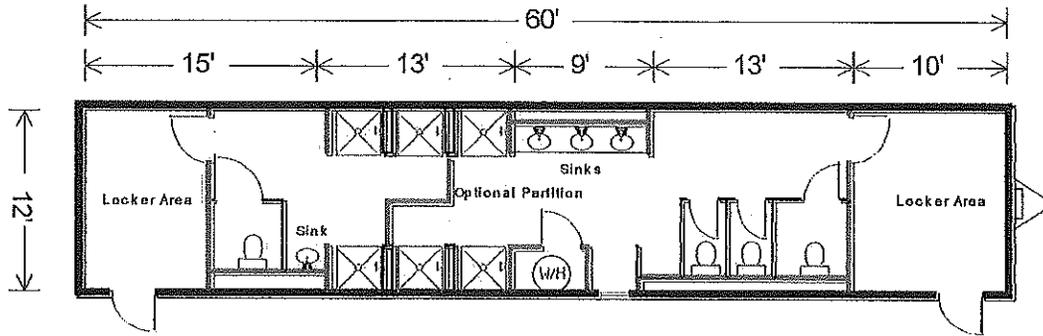
Sales Tax Rate Applied*: 8.00%



Modular Building Concepts, Inc.
 12580 Stotler Court Poway, CA 92064
 (858) 679-1185 - Fax: (858)679-679-6804
 Certified CA Small Business #8480
 www.mbconcepts.com

Quote Date: 9/28/2015
 Quote #: 13968
 Acct Rep: Kerper

Size 12'x60' Unit # 459
Shower/Restroom Trailer



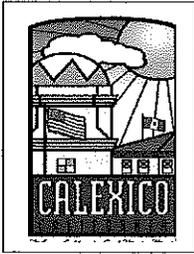
Standard Features

- Floors** 1/8" commercial grade tile, shower area commercial linoleum
- Walls** FRP
- Ceiling** 8' suspended acoustical ceiling
- Roof** 30 Ga galvanized standing seam metal roof
- Siding** 5/8" T1-11 plywood (or equal) grooved 8" o.c.
- Doors** 3'x6'8" metal clad hollow core with dead bolt
- Windows** 36"x12" obscured sliding window with bronze aluminum frames
- Lighting** 2'x4' recessed fluorescent light fixtures
- HVAC** Electric heating and cooling, 4 ton
- Insulation** Floor R-11, Exterior Walls R-11, Roof R-19
- Electrical** Single phase, 200 amp sub panel(s), 110 V duplex receptacles
- Code** California Dept of Housing (DOH) type 5, non rated, B-2 commercial coach

Dimensions are Approximate Features subject to change

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AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Nick Fenley, Acting City Manager

SUBJECT: Specific Joint Powers Insurance Authority (JPIA) Factual update with costs to be incurred after JPIA cancellation of insurance. If possible have them present or via phone. (Item Requested by Council Member Hurtado)

=====

Recommendation:

To continue this item for a future meeting due to information still being gathered by City Staff to provide a report.

Background:

This item was requested by Council Member Hurtado at the meeting of October 6, 2015.

Discussion & Analysis:

None at this time.

Fiscal Impact:

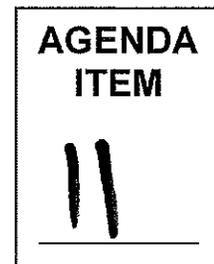
None.

Coordinated With:

Finance Department

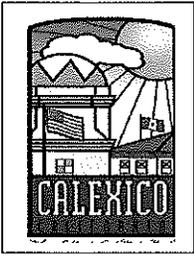
Attachment:

None.



**AGENDA
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AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Nick Fenley, Acting City Manager

SUBJECT: Audit Update for Fiscal Year 2014-2015 and Executive Plan of Action. (Item Requested by Council Member Hurtado)

=====

Background:

Item was requested by Council Member Hurtado at meeting of October 6, 2015.

Discussion & Analysis:

This update will be provided under the City Manager's Report.

Fiscal Impact:

None.

Coordinated With:

None.

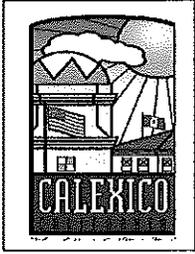
Attachment:

None.



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AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Nick Fenley, Acting City Manager

SUBJECT: Discussion and Direction on Review of Water Meter Account Structure and Water Rate Study. (Item Requested by Council Member Real).

=====

Recommendation:

City Council to provide direction to City Manager to move forward with review of the City's current water meter accounts and upon review of accounts, proceed with scope of work for an updated Water Rate Study.

Background:

Item was requested by Council Member Real at meeting of October 6, 2015 due to concerns with the current water rate structure.

Discussion & Analysis:

City Staff to conduct a review of the current water meter account structure and prepare a scope of work for an updated Water Rate Study.

Fiscal Impact:

None.

Coordinated With:

None.

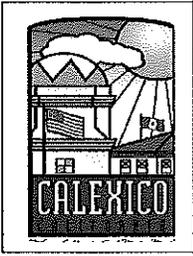
Attachment:

None.



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AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Joong S. Kim, Mayor

SUBJECT: Information and Discussion on Garment Industry

=====

Recommendation:

Mayor Kim to provide information for the discussion of Garment Industry developer's interest in the City of Calexico.

Background:

Mayor Kim has been approached by developers of the Garment Industry regarding interests in the City of Calexico as a possible location to relocate.

Discussion & Analysis:

Developers will visit Calexico to tour and receive information regarding the incentives and City's participation in possible relocation of garment industry businesses.

Fiscal Impact:

None.

Coordinated With:

Acting City Manager.

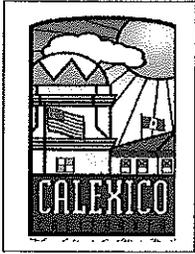
Attachment:

None.



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AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager *Nick Fenley
10/20/15*

PREPARED BY: Nick Fenley, Acting City Manager

SUBJECT: Discussion and Action on Status of Measure H Fund and Possible Audit.

=====

Background:

City Council and Measure H Committee have both requested a status of Measure H Fund including revenues and expenditures.

Discussion:

Staff to provide a status of the Measure H Fund; Revenues received from sales tax and bonds along with expenses incurred throughout the life of the measure. Council to provide direction on the type of audit to be conducted to obtain final numbers for the Measure H Fund.

Fiscal Impact:

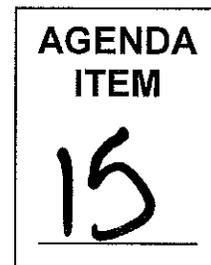
Estimated cost: Not to exceed \$10,000.

Coordinated With:

Finance Department.

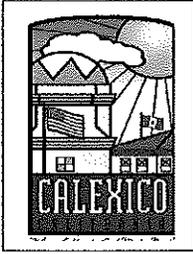
Attachment:

None.



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AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Nick Fenley, Acting City Manager

SUBJECT: Discussion and Direction on Ordinance Regarding Vacant Buildings in the Downtown Area and addressing the Property Owner's Responsibility to provide Security and Address Blight inside the Vacant Buildings (Item Requested by Council Member Real).

=====

Recommendation:

City Council to provide direction to City Manager and City Attorney to prepare an ordinance addressing vacant buildings in the downtown area and addressing the property owners responsibility to provide security and address blight inside the vacant buildings.

Background:

Item was requested by Council Member Real at meeting of October 6, 2015 to address concerns over vacant buildings in the Downtown Area, the security of the buildings, public safety and to address the blight displayed in the interior of the buildings.

Discussion & Analysis:

City Manager and City Attorney will address the concerns presented by Council Member Real and downtown merchants in a City ordinance regarding vacant buildings:

1. Security of vacant buildings in the downtown area.
2. Responsibility of the property owner to provide security for the vacant buildings in order to prevent the vandalism currently happening in said buildings.
3. Address visible blight in the interior of the vacant buildings which entices vandalism and theft.

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Fiscal Impact:

None.

Coordinated With:

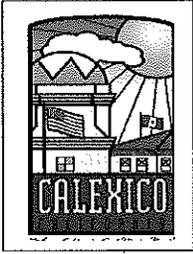
None.

Attachment:

None.

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AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Gabriela T. Garcia, Deputy City Clerk 

SUBJECT: Appointment by Mayor and Council Members to Various Commissions, Boards and Committees

- a. Economic Development Commission – Appointments by Mayor Pro Tem Castro.
- b. Business Improvement District – Appointments by Mayor Kim, Council Member Hurtado and Council Member Moreno.
- c. Recreation Commission – Appointment by Mayor Kim
- d. Financial Advisory Board – Council Member Hurtado

=====

Recommendation:

Mayor and Council Members to make the following appointments to the following Commissions, Boards and Committees:

- a. Economic Development Commission – Appointments by Mayor Pro Tem Castro.
- b. Business Improvement District – Appointments by Mayor Kim, Council Member Hurtado and Council Member Moreno.
- c. Recreation Commission – Appointment by Mayor Kim
- d. Financial Advisory Board – Council Member Hurtado

Background:

At the meeting of August 18, 2015, Staff presented a report on the City Commissions, Boards and Committees and reported attendance by commissioners. Pursuant to Ordinance No. 1159 approved by the City Council on February 3, 2015 several commissioners forfeited their position on the commission by having three or more absences from regular commission meetings between March 2015 and June 2015. As a result, the above-mentioned positions were opened to the public and advertised by the City Clerk’s office.

Discussion & Analysis:

City Clerk has advertised the positions on the Calexico website, City Hall and Camarena Library.

The following persons submitted applications:

- 1. Armando Martinez – Business Improvement District
- 2. Saul Garcia – Business Improvement District

<p>AGENDA ITEM</p> <p style="font-size: 2em;">17</p>
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Fiscal Impact:

None.

Coordinated With:

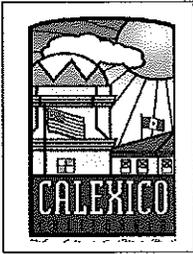
None.

Attachment:

1. Applications (2)

**AGENDA
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AGENDA STAFF REPORT

DATE: October 20, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager *Nick Fenley*

PREPARED BY: Nick Fenley, Acting City Manager *Nick Fenley*

SUBJECT: Status Report on Swimming Pool Project and Confirmation on Naming of the Facility.

=====

Recommendation:

Acknowledge receipt of Status Report and Confirmation on Naming of the Facility.

Background:

Item was requested by Mayor Kim to address the status of the swimming pool project and discuss the confirmation of the naming of the swimming pool facility.

Fiscal Impact:

None.

Coordinated With:

None.

Attachment:

1. Calexico Pool Committee Budget Update as of October 15, 2015 provided by Calexico Unified School District.

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Calexico Pool Committee Budget Update as of October 15, 2015

Total Budget and Funding Sources	Amount
State Parks and Recreation Specified Grant	\$ 2,717,000.00
Calexico USD - FEMA Funds	\$ 400,000.00
Calexico USD RDA 2011 Bond	\$ 1,441,398.00
City of Calexico Measure H	\$ 1,000,000.00
City of Calexico Measure H Bond	\$ 2,000,000.00
Total Budget and Funding Sources	\$ 7,558,398.00

Previously Paid Construction Costs Prior to 2015	Amount
DSA Permit Fee	\$ 37,450.00
Imperial County Environmental Health Plan Check Fee	\$ 1,500.00
Misc, Printing of Bid Documents	\$ 4,154.00
Architecture and Engineering - Sander's Inc.	\$ 339,720.00
Pool Demolition	\$ 144,172.00
Total Previously Paid Construction Costs	\$ 526,996.00

Pool Construction Remaining Costs updated 10/15/15

Pool, Bid Package 13 - California Commercial Pools Re-Bid, Bid Package 1 - 12 and 14 Base Bid 1 and Alternate Add 1.1 Change Order to increase Pool Depth Nielsen Construction Construction Mgmt. Fee IID Engineering and Construction Fee Testing and Inspection Misc / Contingency 3% Balance for Architecture and Engineering Contract - Sanders Inc.	Amount	Paid of Contract to date	Balance of Contract
	\$ 1,630,000.00	\$ 54,150.00	\$ 1,575,850.00
	\$ 4,535,278.00	-	\$ 4,535,278.00
	\$ 140,000.00	-	\$ 140,000.00
	\$ 501,517.00	\$ 86,092.00	\$ 415,425.00
	\$ 350,000.00	-	\$ 350,000.00
	\$ 279,000.00	\$ 9,600.00	\$ 269,400.00
	\$ 184,658.00	-	\$ 184,658.00
	\$ 155,587.00	-	\$ 155,587.00
Total Estimated Remaining Project Cost	\$ 7,776,040.00	\$ 149,842.00	\$ 7,626,198.00

Total Deficit of Total Pool Construction Project \$ (744,638.00) *Total Budget \$7,558,398 minus \$526,996 and \$7,776,040

Total Deficit for Remaining Construction on Project \$ (217,642.00) *Total Budget \$7,558,398 minus \$7,776,040