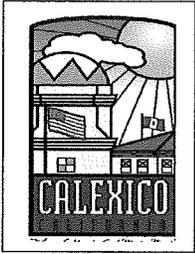


**AGENDA  
ITEM**

**8**



# AGENDA STAFF REPORT

**DATE:** January 5, 2016

**TO:** Mayor and City Council

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

**PREPARED BY:** Carlos Campos, Interim City Attorney

**SUBJECT:** Proposed Employment Agreement for Interim Chief of Police  
Between the City of Calexico and Reynaldo T. Gomez

=====

**Recommendation:**

Approval of Proposed Employment Agreement for Interim Chief of Police between the City of Calexico and Reynaldo T. Gomez.

**Background/Discussion:**

The City of Calexico desires to employ the services of Reynaldo T. Gomez as Interim Chief of Police. Mr. Gomez has previously served as a Chief of Police for the City of Calipatria, for a period of nine years. Most recently, Mr. Gomez served as contract investigator for Homeland Security. Mr. Gomez is a retired PERS annuitant and can work a maximum of 960 hours under the Cal-PERS rules for retired annuitants. Other terms of her employment agreement include the following:

- Salary of \$56.84 per hour, not to exceed a total of 960 hours during 2015/2016 fiscal year.
- No additional health, retirement or insurance benefits of any type.
- Reimbursement for any reasonable and necessary travel and business expenses.
- Termination at any time, with or without cause.

**Fiscal Impact:**

Under the proposed Employment Agreement, the City will pay Ms. Gomez \$56.84 per hour (without benefits).

**Attachment:**

1. Proposed Employment Agreement for Interim Chief of Police between the City of Calexico and Reggie Gomez.



## EMPLOYMENT AGREEMENT

This Agreement is made and entered into on the latest date set forth by signature below by and between the City of Calexico, California ("City") and Reynaldo T. Gomez ("Gomez") both of whom understand and agree as follows:

WHEREAS, City desires to employ the services of Gomez as Interim Chief of Police and;

WHEREAS, it is the desire of the City to provide certain benefits, to establish certain conditions of employment, and to set working conditions for Gomez; and

WHEREAS, Gomez desires to accept employment as Interim Chief of Police of Calexico; and

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

### **Section 1: Appointment and Duties**

A. The City Manager hereby appoints Gomez as Interim Chief of Police of the City of Calexico, to perform functions and duties of the Interim Chief of Police as set forth in the City of Calexico Municipal Code, as it may be amended from time to time, in addition to any other functions and duties specified by state law, city ordinance or resolution, or other directive, and to perform other legally permissible and proper duties and functions as the City Manager shall from time to time assign, without additional compensation. Both parties acknowledge that the specific duties of the position may vary from time to time. As Interim Chief of Police, Gomez shall serve at the will and pleasure of the City Manager and is subject to termination without right of appeal or so-called *Skelly* rights.

B. Gomez shall devote his full energy, skill, ability, and productive time to the performance of his duties under this Agreement.

C. Gomez shall not engage in any employment, activity, consulting service, or other enterprise, for compensation or otherwise, which is actually or potentially in conflict with, inimical to, or which interferes with the performance of his duties under this Agreement.

D. Gomez shall not engage in any outside employment, activity, consulting service, or other enterprise for compensation, without the express permission of the City Manager.

**Section 2: Term of Agreement.**

A. This Agreement shall begin on the latest date of signature below and terminate at close of business on May 31, 2016.

B. The City Manager may, at his or her option, extend this Agreement on the same terms and conditions as provided herein for three (3) additional months, but in no event shall the Agreement be extended in such a way as to allow Gomez to work more than 960 hours in 2016.

**Section 3: Compensation and Benefits**

A. City agrees to pay Gomez, for his services rendered under this Agreement, a gross monthly salary of nine thousand, eight hundred and fifty-two dollars (\$9,852.00), payable on a pro rata basis at the same times, and in the same manner, as full time employees of the City are paid, and subject to all applicable taxes and withholdings.

B. City will pay dues for a 6-month membership for Gomez in the California Police Chiefs' Association.

C. The parties acknowledge that Gomez's earnings are subject to Social Security. The City agrees to pay both the employer and the employee contributions that are required for Social Security.

D. The parties recognize and acknowledge Gomez's status as a retired annuitant under the Public Employee Retirement System (PERS). Based on this status, the parties agree that no additional PERS contributions shall be paid on Gomez's behalf.

**Section 4: Duration of Employment.**

A. Gomez understands and expressly agrees that he has no constitutionally-protected property or other interest in his employment as Interim Chief of Police. Gomez understands and expressly agrees that he serves at the will and pleasure of the City Manager and that he may be terminated or asked to resign at any time, by the City Manager, with or without cause.

B. Gomez shall give the City at least 120 days' notice if he voluntarily resigns his position with City.

**Section 5: Automobile Usage.**

The Interim Chief of Police' duties require that he have the use of a personal automobile at all times during his employment with the City. In recognition of that fact, the City will provide an unmarked car for Gomez's use in performing his official duties under this Agreement.

**Section 6: Leaves.**

Gomez shall not accrue sick leave or any administrative leave or vacation time.

**Section 7: Hours of Work.**

A. The normal business hours of the City are Monday through Friday, 8:00 a.m. to 5:00 p.m. To the greatest extent possible, Gomez shall be at the Police Station or City Hall and available during the City's normal business hours. However, the parties recognize that Gomez's duties may require him to represent the City away from City Hall and outside of normal business hours. Gomez shall therefore have some flexibility to adjust his work schedule to account for those times when he is required to work outside of normal business hours, provided that it does not interfere with his duties or availability to the City Manager and other City personnel.

B. Gomez shall function as a full-time employee of the City under this Agreement. However, because of Gomez's status as a PERS retired annuitant, the parties understand and expressly agree that he shall not work more than 960 hours in the 2015-2016 fiscal year.

**Section 8: Payment of Expenses of Employment.** The City shall pay the following usual and customary employment expenses.

A. The cost of any fidelity or other bonds required by law for the Interim Chief of Police.

B. The cost to defend and indemnify Gomez to the extent required by California law, as provided by the California Tort Claims Act (Government Code §810 et seq.) in Government Code sections 995 through 995.6, or otherwise.

**Section 9: Uniforms and Equipment.**

A. The City shall provide all necessary uniforms and safety equipment for Gomez's use in performing his official duties under this Agreement.

B. Gomez shall provide and maintain his own duty weapon and shall be subject to all applicable POST requirements for range qualification with such weapon.

**Section 10: Notice.**

A. Notices under this Agreement shall be in writing and shall be deemed received at the earlier of either (a) actual receipt or (b) three (3) days following deposit in the U.S. Mail as provided below. Notices shall be directed to the addresses shown below, provided that a party may change addresses by giving written notice to the other party in accordance with this subsection.

City of Calexico  
608 Heber Avenue  
Calexico, CA 92231

Reynaldo T. Gomez  
2571 W. Hamilton Avenue  
El Centro, CA 92243

- B. Notices under this section shall be:
- i) served personally, or
  - ii) sent by facsimile (provided a hard copy is mailed within one (1) business day); or
  - iii) delivered by first-class U.S. Mail, certified, with postage prepaid and a return receipt requested; or
  - iv) sent by Federal Express or equivalent private mail delivery service.

**Section 11: General Provisions.**

A. The text herein shall constitute the entire Agreement between the parties.

B. This Agreement shall be binding upon and inure to the benefit of the heirs and executors of Gomez.

C. If any provision contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement shall be deemed severable, shall not be affected, and shall remain in full force and effect.

D. If any legal action or proceeding is brought to enforce or interpret this Agreement, the prevailing party, as determined by the court, shall be entitled to recover from the other party all reasonable costs and attorney's fees, including such fees and costs as may be incurred in enforcing any judgment or order entered in any such action.

E. Any failure of a party to insist upon strict compliance with any term, undertaking, or condition of this Agreement shall not be deemed to be a waiver of such term, undertaking, or condition. To be effective, a waiver must be in writing, signed and dated by the parties.

F. The parties acknowledge and agree that they were, or had the opportunity to be, represented individually by legal counsel with respect to the matters that are the subject of this Agreement and that they are fully advised with respect to their respective rights and obligations resulting from signing this Agreement.

G. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Gomez and City agree that venue for any dispute shall be in Imperial County, California, although nothing in this paragraph shall preclude the parties from agreeing to some form of alternative dispute resolution.

H. The headings on each of the sections and subsections of this Agreement are for the convenience of the parties only and do not limit or expand the contents of any such section or subsection.

I. Gomez may not assign this Agreement in whole or in part. Any attempted assignment shall be null and void.

IN WITNESS WHEREOF, the City Manager of the City of Calexico has caused this agreement to be signed and executed on behalf of the City and Gomez has signed and executed this agreement on the day and year written below.

Date: \_\_\_\_\_

\_\_\_\_\_  
Nick Fenley  
Interim City Manager  
City of Calexico, California

Date: \_\_\_\_\_

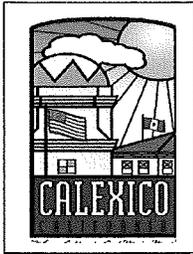
\_\_\_\_\_  
Reynaldo T. Gomez

APPROVED AS TO FORM:

\_\_\_\_\_  
Interim City Attorney, City of Calexico

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# AGENDA STAFF REPORT

**DATE:** January 6, 2015

**TO:** Mayor and City Council

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

**PREPARED BY:** Gabriela T. Garcia, Deputy City Clerk

**SUBJECT:** Second Reading Adoption of Ordinance No. 1166 of the City Council of the City of Calexico Repealing Ordinance No. 1144 and Amending Section 2.02.110 and Chapter 2.07 of the Calexico Municipal City Code Regarding the Appointment Process and Duties of the City Clerk.

=====

**Recommendation:**

Approve the second reading and adoption of draft Ordinance No. 1166 repealing Ordinance No. 1144 and amending Section 2.02.110 and Chapter 2.07 of the Calexico Municipal City Code regarding the appointment process and duties of the City Clerk.

**Background:**

In October 2, 2015, the City Council adopt Ordinance No. 1144 amending Section 2.092110 of Chapter 2.02 of the Calexico Municipal Code and adding Chapter 2.07 to the Calexico Municipal Code regarding the appointment process and duties of the City Clerk. This ordinance granted the City Manager the authority to appoint the City Clerk as well as to remove, promote and demote the City Clerk.

**Discussion & Analysis:**

Last month, Mayor Kim has requested that the City Council consider repealing Ordinance No. 1144 and amend Section 2.02110 and Chapter 2.07 of the Calexico Municipal Code regarding the appointment process and duties of the City Clerk. On November 17, 2015 the attached ordinance was introduced and approved by the City Council which provides the City Clerk shall be appointed by the City Council and shall serve at the pleasure of the City Council. In the table below it shows how the City Clerk position is handled in the surrounding Cities and the County. Also attached is a statewide listing on information regarding the City Clerk position.

City	Appointed/Elected	Under direction of
City of El Centro	Appointed	City Council
City of Brawley	Elected	City Manager
City of Holtville	Appointed	City Council
City of Imperial	Elected	The People
City of Calipatria	Elected	City Manager
City of Westmorland	Elected	City Council
County of Imperial	Appointed	C.E.O.

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\*Note: The Brawley City Clerk also holds the position of Records Manager under the direction of the City Manager.

Item continued from December 15, 2015 Council Meeting.

**Fiscal Impact:**

None.

**Coordinated With:**

City Attorney.

**Attachments:**

1. Draft Ordinance.
2. Statewide Listing of City Clerk Position.

**ORDINANCE NO. 1166**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO REPEALING ORDINANCE NO. 1144 AND AMENDING SECTION 2.02.110 AND CHAPTER 2.07 OF THE CALEXICO MUNICIPAL CITY CODE REGARDING THE APPOINTMENT PROCESS AND DUTIES OF THE CITY CLERK**

**WHEREAS**, On October 2, 2012, the City Council of the City of Calexico adopted Ordinance No. 1144 amending Section 2.02.110 of Chapter 2.02 of the Calexico Municipal Code and adding Chapter 2.07 to the Calexico Municipal Code regarding the appointment process and duties of the City Clerk; and

**WHEREAS**, Ordinance No. 1144 grants the City Manager the authority to appoint the City Clerk, as well as to remove, promote and demote the City Clerk; and

**WHEREAS**, the City Council now desires to amend the Calexico Municipal Code regarding the appointment process and duties of the City clerk as described in this ordinance

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

**SECTION ONE.** Section 2.02.110 of the Calexico Municipal Code is hereby amended to read as follows:

**“2.02.110 - Powers of appointment.**

It shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, except the city clerk and city attorney.”

**SECTION TWO.** Chapter 2.07 – “City Clerk” of the Calexico Municipal Code is hereby amended in its entirety to read as follows:

**“Chapter 2.07- CITY CLERK**

**Sections:**

**2.07.010 - Appointment of city clerk.**

**2.07.020 - Duties.**

**2.07.010 – Appointment of city clerk.**

The city clerk shall be appointed by the city council and shall serve at the will and pleasure of the city council and may be dismissed without cause. Prior to appointment of the city clerk by the city council, a committee consisting of the city manager and two members of the city council may be appointed by the city council to evaluate the applicants and make a recommendation on the appointment. Subject to the approval of

the city council, the city manager may execute a written contract with the city clerk describing the conditions of his/her appointment.

**2.07.020 - Duties.**

Except as otherwise provided in this code, the city clerk shall perform the duties prescribed by the general laws and statutes of the state pertaining to duties of city clerks. In addition thereto, the city clerk shall perform such other duties not in conflict with her/his mandatory duties, as prescribed in a city job description, or which the city council may from time to time assign.”

**SECTION THREE:** This Ordinance was introduced on November 3, 2015.

**SECTION FOUR:** This Ordinance shall become effective thirty days following its passage and adoption.

**SECTION FIVE:** The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of December 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Joong S. Kim, Mayor

ATTEST:

\_\_\_\_\_  
Gabriela T. Garcia, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Carlos Campos, Interim City Attorney

City/Town	Population	General Law or Charter City	Appointed or Elected City Clerk	If Appointed, Who Does the City Clerk Report to?
American Canyon	19,976	General Law	Appointed	City Manager
Anderson	10,600	General Law	Appointed	City Manager
Antioch	105,117	General Law	Elected	N/A
Arcadia	57,000	Charter	Elected	N/A
Arroyo Grande	17,252	General Law	Appointed	City Manager
Atwater	28,000	General Law	Elected	N/A
Azusa	46,000	General Law	Elected	N/A
Bakersfield	354,480	Charter	Appointed	City Manager
Berkeley	112,580	Charter	Appointed	City Manager
Beverly Hills	35,000	General Law	Appointed	City Council
Big Bear Lake	5,700	Charter	Appointed	City Manager
Brawley	24,800	General Law	Elected	City Manager
Brea	41,394	General Law	Appointed	Administrative Services Director
Burbank	103,340	Charter	Elected	N/A
Calabasas	23,058	General Law	Appointed	Administrative Services Director
Calistoga	5,500	General Law	Appointed	City Manager
Camarillo	65,000	General Law	Appointed	City Manager
Canyon Lake	11,000	General Law	Appointed	City Manager
Carmel	3,620	General Law	Appointed	City Administrator
Ceres	47,000	General Law	Appointed	City Manager
Cerritos	49,000	Charter	Appointed	City Council
Chino Hills	75,000	General Law	Appointed	City Council
Chowchilla	17,817	General Law	Appointed	City Manager
Chula Vista	252,422	Charter	Appointed	City Council
Clayton	10,900	General Law	Appointed	City Manager
Colusa	5,600	General Law	Elected	N/A
Corning	7,663	General Law	Elected	City Manager and City Council
Cupertino	58,000	General Law	Appointed	City Manager
Cypress	48,547	Charter	Appointed	City Council
Desert Hot Springs	27,000	Charter	Appointed	City Manager
Eastvale	56,000	General Law	Appointed	City Manager

City/Town	Population	General Law or Charter City	Appointed or Elected City Clerk	If Appointed, Who Does the City Clerk Report to?
El Centro	44,327	Charter	Appointed	City Council
Emeryville	10,200	General Law	Appointed	City Manager
Fillmore	15,000	General Law	Elected	N/A
Fort Bragg	7,000	General Law	Appointed	City Council
Foster City	30,000	General Law	Appointed	City Manager
Fountain Valley	56,000	General Law	Appointed	City Manager
Fremont	210,000	General Law	Appointed	Assistant City Manager and City
Fresno	505,000	Charter	Appointed	City Council
Fullerton	138,000	General Law	Appointed	City Manager
Galt	25,000	General Law	Appointed	City Council
Gilroy	51,000	Charter	Appointed	City Council
Half Moon Bay	11,000	General Law	Appointed	City Manager
Hollister	40,000	General Law	Appointed	City Manager
Huntington Beach	200,000	Charter	Elected	N/A
Imperial	16,148	General Law	Elected	N/A
La Habra	60,000	General Law	Appointed	City Manager
La Mirada	48,000	General Law	Appointed	City Manager
La Quinta	38,400	Charter	Appointed	City Manager
Laguna Beach	23,000	General Law	Elected	N/A
Laguna Hills	34,000	General Law	Appointed	City Manager
Laguna Niguel	65,000	General Law	Appointed	City Manager
Lake Elsinore	57,000	General Law	Appointed	City Council
Lake Forest	78,000	General Law	Appointed	Deputy City Manager
Lakeport	5,000	General Law	Appointed	City Council
Lakewood	80,000	General Law	Appointed	City Manager
Larkspur	12,000	General Law	Appointed	City Manager
Lathrop	19,200	General Law	Appointed	City Manager
Lawndale	33,000	General Law	Part-time Elected	N/A
Lemon Grove	25,000	General Law	Appointed	City Manager
Loma Linda	23,000	purposes; General	Appointed	City Manager
Lompoc	42,000	General Law	Appointed	City Administrator

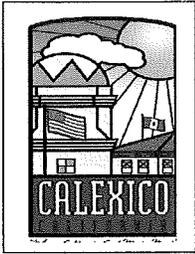
City/Town	Population	General Law or Charter City	Appointed or Elected City Clerk	If Appointed, Who Does the City Clerk Report to?
Los Alamitos	12,000	Charter	Appointed	City Manager
Los Angeles	3,857,799	Charter	Appointed	Mayor and City Council
Los Banos	31,017	General Law	Elected	City Manager
Los Gatos	30,497	General Law	Appointed	Town Manager
Martinez	36,000	General Law	Elected	N/A
Menifee	82,000	General Law	Appointed	City Manager
Menlo Park	32,000	General Law	Appointed	City Manager
Merced	82,000	Charter	N/A	City Manager
Milpitas	70,000	General Law	Appointed	City Manager
Modesto	200,000	Charter	Appointed	Mayor and City Council
Monrovia	38,000	General Law	and Appointed Deputy City	City Manager
Montclair	36,664	General Law	Appointed	City Manager
Monterey	28,000	Charter	Appointed	City Manager
Moreno Valley	198,129	General Law	Appointed	City Council
Morgan Hill	38,000	General Law	Elected	N/A
Mountainview	75,000	Charter	Appointed	City Council
National City	60,000	General Law	Elected	N/A
Needles	5,000	Charter	Appointed	City Manager
Newark	43,000	General Law	Appointed	Administrative Services Director
Norwalk	109,000	General Law	Appointed	City Manager
Novato	54,000	General Law	Appointed	City Manager
Oakdale	21,194	General Law	Elected	N/A
Oakley	37,000	General Law	Appointed	City Manager
Oceanside	180,000	Charter	Elected	N/A
Oxnard	200,000	General Law	Elected	N/A
Palo Alto	60,000	Charter	Appointed	City Council
Palos Verdes Estates	13,850	General Law	Appointed	City Manager
Paradise	26,400	General Law	Appointed	Town Council
Petaluma	58,319	Charter	Appointed	City Council
Pico Rivera	63,000	General Law	Appointed	City Manager
Pinole	19,500	General Law	Appointed	City Council

City/Town	Population	General Law or Charter City	Appointed or Elected City Clerk	If Appointed, Who Does the City Clerk Report to?
Pismo Beach	7,600	General Law	Appointed	City Manager
Pleasanton	70,000	General Law	Appointed	City Manager
Pomona	150,000	Charter	Appointed	City Council
Port Hueneme	22,000	Charter	Appointed	Deputy City Manager
Portola Valley	4,600	General Law	Appointed	City Manager
Redondo Beach	67,000	Charter	Elected	N/A
Redwood City	79,000	Charter	Appointed	City Council
Reedley	24,965	General Law	Appointed	City Manager
Rio Vista	8,600	General Law	Appointed	City Manager
Riverbank	23,149	General Law	Appointed	City Manager
Rohnert Park	41,000	General Law	Appointed	City Manager
Rolling Hills	2,000	General Law	Appointed	City Manager
Rosemead	58,000	General Law	Appointed	City Council
San Dimas	36,874	General Law	Appointed	City Manager
San Fernando	24,000	General Law	Appointed	City Manager
San Jacinto	45,000	General Law	Appointed	City Manager
San Joaquin	4,065	General Law	Appointed	City Manager
San Jose	982,765	Charter	Appointed	City Council
San Leandro	87,000	Charter	Appointed	City Manager
San Luis Obispo	45,878	Charter	Appointed	City Manager
San Ramon	76,000	Charter	Appointed	City Manager
Sanger	25,000	General Law	Appointed	City Manager
Santa Clara	120,000	Charter	Elected	N/A
Santa Fe Springs	17,000	General Law	Appointed	City Manager
Santa Monica	91,000	Charter	Appointed	City Council
Santee	55,000	Charter	Appointed	City Council
Sausalito	7,400	General Law	Appointed	City Manager
Scotts Valley	11,800	General Law	Appointed	City Manager
Seal Beach	24,168	Charter	Elected	N/A
Shafter	17,000	Charter		City Manager
Shasta Lake	11,000	General Law	Appointed	City Manager

City/Town	Population	General Law or Charter City	Appointed or Elected City Clerk	If Appointed, Who Does the City Clerk Report to?
Sonoma	10,648	General Law	Appointed	City Manager
Stockton	300,000	Charter	Appointed	City Council
Sunnyvale	145,973	Charter	Appointed	Assistant City Manager
Susanville	9,000	General Law	Appointed	City Administrator
Thousand Oaks	128,000	General Law	Appointed	City Manager
Torrance	150,000	Charter	Elected	N/A
Tracy	84,000	General Law	Appointed	Assistant City Manager
Truckee	16,000	Charter	Appointed	City Manager
Turlock	68,000	General Law	Appointed	City Manager
Vallejo	117,000	Charter	Appointed	City Manager
Ventura	109,000	Charter	Appointed	City Manager
Vista	96,200	Charter	Appointed	City Manager
Wasco	25,710	General Law	Elected	City Manager
Waterford	8,500	General Law	Appointed	City Manager
Watsonville	50,000	Charter	Appointed	City Council
West Lake Village	8,341	General Law	Appointed	City Manager
Westminster	90,000	General Law	Appointed	City Manager
Wildomar	32,200	General Law	Appointed	City Manager
Windsor	26,584	General Law	Appointed	Town Manager
Winters	7,000	General Law	Elected	N/A
Woodland	56,000	General Law	Appointed	City Manager
Yountville	2,933	General Law	Appointed	City Manager

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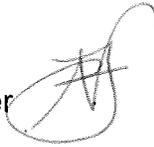
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# AGENDA STAFF REPORT

**DATE:** January 5, 2016

**TO:** Mayor and City Council

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

**PREPARED BY:** Nick Fenley, Acting City Manager  
Carlos Campos, Interim City Attorney

**SUBJECT:** Introduce and Waive First Reading of an Ordinance of the City Council of the City of Calexico amending Chapters 5.96 and 17.11 prohibiting medical cannabis dispensaries, medical cannabis cultivation, and medical cannabis delivery in the City.

=====

**Recommendation:**

Adopt an ordinance amending Chapters 5.96 and 17.11 prohibiting medical cannabis dispensaries, medical cannabis cultivation, and medical cannabis delivery in the City.

**Background:**

In March 2012, the City Council adopted Ordinance No. 1143, adding Calexico Municipal Code (“Code”) Chapter 5.96 and Article X of Chapter 17.11, which prohibit medical marijuana dispensaries in the City. The current Code does not specifically prohibit other medical cannabis uses such as planting, growing, harvesting, drying, storing, processing, or delivery.

The California legislature recently adopted legislation identified as the Medical Marijuana Regulation and Safety Act (AB 243, AB 266, and SB 643) (the “Act”) to comprehensively regulate medical marijuana (medical cannabis). The Act recognizes and preserves local control to regulate or ban medical cannabis cultivation, transportation, and distribution. The Act confirms and clarifies that, in addition to the complete land use control over retail dispensaries recognized in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729; municipalities have the power to regulate or ban the cultivation and distribution of medical marijuana. *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975.

Although the Act allows municipalities to regulate or ban cannabis cultivation, manufacturing, transportation, and distribution of medical

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cannabis within their jurisdictions, it requires some local enabling legislation to accomplish some aspects of this. If a city chooses to regulate these activities comprehensively, it must adopt an overlay of local regulatory standards that are at least as strict as the state's default regulations. **Specifically, the Act provides that if the City does not have an ordinance regulating or banning cultivation by March 1, 2016, it will lose the authority to regulate or ban cultivation within its City limits. The state would become the sole licensing authority.** The law is unclear, but the March 1, 2016 deadline might apply to legislation instituting a ban or regulation of medical cannabis **mobile dispensaries**, as well.

### **Discussion:**

The cultivation, transportation, and distribution of marijuana can create problems relating to public health and safety, crime, water and air quality, and energy consumption. Marijuana uses can create nuisance activity such as loitering and criminal activity in business and residential districts. Specifically, mobile delivery can create issues relating to responsibility and resources to monitor and enforce state law, questions of patient qualification, and risks relating to the high use of large sums of cash for mobile transactions. Cultivation can create air quality, energy, and water quality damage and impair building maintenance and safety. For example, the increased moisture necessary to grow indoors can create excessive mold growth and structural damage. Additionally, the equipment utilized to grow indoors can pose a risk of fire and electrical hazards due to dangerous electrical alterations and use. Further, inadequate ventilation combined with the use of pesticides and fertilizers in an enclosed space can lead to chemical contamination within structures.

Staff recommends that the City Council adopt a ban for (1) medical marijuana distribution facilities, (2) medical marijuana cultivation, and (3) medical marijuana transportation.

#### *1. Regulations of Medical Cannabis Dispensaries*

As indicated above, the City of Riverside successfully defended its total ban of medical cannabis distribution facilities. The Riverside zoning ordinance categorizes medical marijuana dispensaries as prohibited uses throughout the city and provides that they may be abated as public nuisances.

While Riverside has exercised a total ban on medical marijuana dispensaries, other cities have decided to permit and regulate dispensaries within their jurisdiction. Regulations can include, for example:

- Limiting the number of dispensaries;
- Separation requirements from parks, schools, churches, and other dispensaries;
- Limiting the use to a specific zoning designation;
- Security requirements for the operation of the dispensary;
- Hours of operation; and
- Prohibiting loitering.

#### *2. Regulation of Medical Cannabis Cultivation*

At least one California City (City of Live Oak) has successfully defended its total ban on the cultivation of marijuana for any purpose within that city. Its legally upheld regulation provides that “[m]arijuana cultivation by any person, including primary caregivers and qualified patients, collectives, cooperatives, or dispensaries” is prohibited in all zones within the City. The Act allows this approach.

Alternatively, some cities are allowing cultivation with regulations such as:

- Outdoor, residential cultivation so long as plants are enclosed, screened, and five (5) feet from the property line;
- Indoor cultivation only with a permit;
- Property owner must approve of cultivation on the property; and
- Limiting number of plants.

Should the City choose to leave cultivation unregulated, under the currently enacted version of the Act, on March 1, 2016 only State law would control cultivation activities in Calexico.

### 3. *Regulation of Cannabis Delivery*

Mobile delivery of products consistently creates issues for cities because of the inherent transitory nature of the activity. A quick search of weedmaps.com identifies several cannabis dispensaries that currently deliver to or near Calexico. These mobile delivery services are often attempts to avoid the effects of local dispensary bans. State law will regulate the delivery of medical marijuana unless delivery is explicitly prohibited by local ordinance. In light of the foregoing, the City has the option to ban or regulate mobile delivery. Regulations could include:

- Hours of operation;
- Amount of money or marijuana that can be carried at one time; and
- Time spent at one location.

On December 14, 2015, the Planning Commission adopted Resolution 2015-12, recommending that the City Council adopt the proposed Ordinance, attached hereto, banning medical cannabis dispensaries, including mobile dispensaries, and medical cannabis cultivation in the City.

#### **Fiscal Impact:**

No financial impact is anticipated for the adoption of the proposed Ordinance.

#### **Environmental Analysis:**

The Ordinance is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the activities are not “projects” as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because they have no potential for

resulting in physical change to the environment, directly or indirectly and 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it can be seen with certainty that it will not have a significant effect or physical change to the environment.

**Coordinated With:**

Best Best & Krieger LLP

**Attachment:**

1. Ordinance of the City Council of the City of Calexico, California, Amending Chapters 5.96 and 17.11 of the Calexico Municipal Code to Prohibit Cannabis Dispensaries, Cannabis Manufacturers, Cultivation, and Delivery of Cannabis in the City.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING CHAPTERS 5.96 AND 17.11 OF THE CALEXICO MUNICIPAL CODE TO PROHIBIT CANNABIS DISPENSARIES, CANNABIS MANUFACTURERS, CULTIVATION, AND DELIVERY OF CANNABIS IN THE CITY**

**WHEREAS**, in 1996, the voters of the State of California approved Proposition 215 (codified as Health & Safety Code Section 11362.5 *et seq.* and entitled “The Compassionate Use Act of 1996”); and

**WHEREAS**, the intent of Proposition 215 was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law; and

**WHEREAS**, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program (“MMP”), codified as Health and Safety Code Section 11362.7 *et seq.*, which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the Penal Code; and

**WHEREAS**, neither the Compassionate Use Act (“CUA”) nor the MMP require nor impose an affirmative duty or mandate upon local governments to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction; and

**WHEREAS**, in March 2012, the City of Calexico (“City”) adopted Ordinance No. 1143, which prohibits medical marijuana distribution facilities in the City; and

**WHEREAS**, in May 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, holding that cities have the authority to regulate or ban outright medical marijuana land uses; and

**WHEREAS**, under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801 *et seq.*, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

**WHEREAS**, on October 9, 2015, California Governor Edmund G. Brown, Jr. signed the “Medical Marijuana Regulation and Safety Act” (“Act”) into law; and

**WHEREAS**, the Act becomes effective January 1, 2016 and contains provisions which allow for local governments to regulate licenses and certain activities thereunder; and

**WHEREAS**, the Act contains a provision which sets forth that the State shall become the sole authority for regulation under certain parts of the Act, unless local governments have “land use regulations or ordinances regulating or prohibiting the cultivation of marijuana...” (Health & Saf. Code, §11362.777(c)(4)); and

**WHEREAS**, several California cities have reported negative impacts of marijuana cultivation, processing, and distribution uses, including offensive odors, illegal sales, and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests; and

**WHEREAS**, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, and detectable far beyond property boundaries if grown outdoors; and

**WHEREAS**, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery, or armed robbery; and

**WHEREAS**, the indoor cultivation of marijuana has potential adverse effects to the health and safety of the occupants; including structural damage to the building due to increased moisture and excessive mold growth which can occur and can pose a risk of fire and electrocution; additionally, the use of pesticides and fertilizers can lead to chemical contamination within the structure; and

**WHEREAS**, the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

**WHEREAS**, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing, and distribution uses; and

**WHEREAS**, the City's Municipal Code ("Code") does not address the cultivation, processing, delivery and distribution of medical cannabis; and

**WHEREAS**, based on the findings above, the potential establishment of cannabis dispensaries, cultivation, cannabis manufacturers and delivery of cannabis uses in the City without regulation poses a current and immediate threat to the public health, safety and welfare in the City due to the negative land use and other impacts of such uses as described above; and

**WHEREAS**, the issuance or approval of business licenses, subdivisions, use permits, variances, building permits, or any other applicable entitlement for cannabis dispensaries, cultivation, cannabis manufacturers and delivery of cannabis will result in the aforementioned threat to public health, safety, or welfare; and

**WHEREAS**, on December 14, 2015, the Planning Commission recommended that the City Council approve the following amendments to Calexico Municipal Code Chapters 5.96 and 17.11 banning the cultivation, distribution, and delivery of medical cannabis within the City.

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

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

**SECTION 2. Amendment to Calexico Municipal Code.** Chapter 5.96 of the Calexico Municipal Code is now amended in its entirety to read as follows:

**“Chapter 5.96 – MEDICAL MARIJUANA USES**

**Sections:**

**5.96.010 – Purpose.**

**5.96.020 – Definitions.**

**5.96.030 – Prohibited Use.**

**5.96.040 – Penalty for Violation.**

**5.96.010 – Purpose.**

The purpose of this Chapter is to enact and enforce a ban on all medical cannabis dispensaries, medical cannabis manufacturers, medical cannabis cultivation, and delivery of medical cannabis located within the City limits. Nothing in this Article shall preempt or make inapplicable any provision of state or federal law.

**5.96.020 – Definitions.**

For purposes of this Chapter, the following definitions shall apply:

- A. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from marijuana. “Cannabis” also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972.
- B. “Cannabis dispensary” means a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.
- C. “Cannabis manufacturer” means a person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or cannabis products or labels or relabels its container.

- D. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- E. “Delivery” means the commercial transfer of cannabis or cannabis products, and includes origination or termination within the City as well as a delivery business.

**5.96.030 – Prohibited Use.**

Cannabis dispensaries, cultivation, cannabis manufacturers, and delivery of cannabis, as defined herein, shall be considered prohibited uses in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of a dispensaries, cannabis cultivation, cannabis manufacturers, and delivery of cannabis as defined herein in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

**5.96.040 – Penalty for Violation.**

No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this Chapter. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this Chapter, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this Chapter, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is declared a public nuisance and may be abated as provided in Chapter 1.24 through 1.27 and/or under state law.”

**SECTION 3. Amendment to Calexico Municipal Code.** Chapter 17.11, Article X of the Calexico Municipal Code is now amended in its entirety to read as follows:

**“Article X. – Medical Marijuana Uses**

**17.11.1010 – Definitions.**

**17.11.1020 – Medical Marijuana Uses.**

**17.11.1030 – Violations—Penalty.**

**17.11.1010 – Definitions.**

For purposes of this chapter, the definitions laid out in Section 5.96.020 of this code apply.

**17.11.1020 – Medical Marijuana Uses.**

- A. Cannabis dispensaries, cultivation, cannabis manufacturers, and delivery of cannabis, as defined herein, shall be considered prohibited uses in all zoning districts of the City of Calexico. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of a dispensaries, cannabis cultivation, cannabis manufacturers, and delivery of cannabis as defined herein in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.
- B. This article does not apply where preempted by state or federal law.

**17.11.1030 – Violations—Penalty.**

- A. Any use or condition caused or permitted to exist in violation of any provisions of this article shall be and is hereby declared a public nuisance and may be abated by the City pursuant to the procedures set forth in this code or under state law.
- B. Each violation of this article and each day a violation of this article continues to exist shall be considered a separate and distinct violation.
- C. Any violation of the provisions of this article is enforceable by any means authorized in Chapters 1.24 through 1.27 of this code or under state law.”

**SECTION 4. CEQA.** The City Council finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that it will not have a significant effect or physical change to the environment.

**SECTION 5. Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 6. Publication.** The City Clerk shall certify as to the adoption of this Ordinance and shall cause it to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with California Government Code Section 36933.

**EFFECTIVE DATE:** This Ordinance shall be effective thirty days after its adoption; and 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 5th of January, 2016 and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Calexico, California, on the 19th of January by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

-----  
**JOONG S. KIM, MAYOR**

ATTEST:

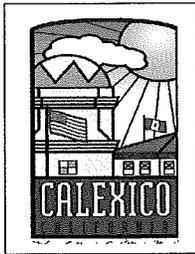
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GABRIELA GARCIA  
CITY CLERK

APPROVED AS TO FORM:

-----  
CARLOS CAMPOS  
INTERIM CITY ATTORNEY

**AGENDA  
ITEM**

**11**



# AGENDA STAFF REPORT

**DATE:** January 5, 2016

**TO:** Mayor and City Council

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

**PREPARED BY:** Rosalind Guerrero, Grants Manager 

**SUBJECT:** Authorize the City Manager to Process Required Documentation that will Allow the Short Sale of the Property on Condition the City Receives a Payoff in an Amount to be Determined.

=====

**Recommendation:**

Authorize the City Manager to process required documentation that will allow the short sale of the property on condition the City receives a payoff in an amount to be determined.

**Background:**

In 2006 the City of Calexico provided HOME funds as down payment assistance in the amount of \$100,000 to Francisco and Beatriz Salais. It has come to our attention the property is in foreclose by the first mortgagee with a sale date of January 16, 2016.

**Discussion & Analysis:**

The State of California HOME program allows the City to approve a short sale without State approval. The City is required to document the City's attempt to counsel the borrower, recover loan proceeds to the extent possible, negotiate the best possible deal with the first lender and ensure documentation is in the file for State review when monitored.

The homeowners are working with a local real estate agent to avoid the foreclosure by pursuing a short sale of the property. Should the foreclosure move forward, the City will not receive any amount of payoff towards the loan. The city's approval of a short sale will assist the city in recovering some of the loan amount provided as a down payment subsidy.

**Fiscal Impact:**

\$100,000 down payment subsidy.

<b>AGENDA ITEM</b>
<b>11</b>

**Coordinated With:**

City Attorney's Office.

**Attachment:**

1. HOME Management Memo #12-01.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF FINANCIAL ASSISTANCE  
FEDERAL PROGRAMS BRANCH  
HOME INVESTMENT PARTNERSHIPS PROGRAM**

1800 Third Street, Suite 390-3  
P.O. Box 952054  
Sacramento, CA 94252-2054  
(916) 322-0356  
FAX (916) 322-2904



## **HOME Management Memo #12-01**

**Date: April 3, 2012**

**To: HOME State Recipients**

**From: Tom Bettencourt, Branch Chief, Federal Programs Branch**

**Re: HOME Short Sale Policy**

### **Introduction**

This Management Memo supersedes Management Memo #09-02 regarding short sales.

### **What is a Short Sale?**

A short sale occurs when the sales price of a home is less than the total amount of liens encumbering the property. To close, a short sale must have approval from all lenders, acknowledging that the sales price is not sufficient to cover a portion (up to the total amount) of their existing loan payoff amounts. Usually, short sales are initiated when borrowers contact listing agents to sell (maybe due to the borrowers' difficulty in making mortgage payments) and it is determined that the likely sales price will not satisfy all liens. The listing agent will want to continue the process, assuming they can get one or more of the lienholders to "forgive" a portion or the entire lien amount. This may or may not be the best answer for the borrower.

### **Short Sale Policy**

State Recipients may approve short sales without state approval. However, when conducting routine monitoring, the State will review the files for short sale requests to ensure the requirements of this memo have been met.

The State Recipient has three major sets of responsibilities. First, the State Recipient must counsel the borrower as to their best interests. Second, the State Recipient must be a prudent lender. Third, the State Recipient must follow federal regulatory requirements. The State expects the State Recipient to fulfill all three sets of responsibilities.

In their first set of responsibilities, to counsel the borrowers as to their best interests, the State Recipient must take the following actions:

- Assist the borrower to retain their home. This involves a discussion with the borrower of the reasons why the borrower is requesting a short sale, a discussion of alternatives to short sale such as loan modifications, and counseling the borrower about the possible tax consequences of a short sale. This discussion does not replace professional foreclosure counseling.
- Discuss with the borrower the advantages of remaining in the home (such as having, stable, affordable housing payments) versus other options such as renting where the rent may be higher than the mortgage payments and may go up over time.
- Discourage the short sale if borrowers have affordable housing payments and appear to be seeking a short sale simply to escape what may be a temporary "under-water" situation.

In their second set of responsibilities, as prudent lender, a State Recipient asked to approve a short sale must take the following actions:

- If it is not possible for the borrower to retain their home, recover loan proceeds to the extent possible
- Verify that the proposed sales price is approximately fair market value
- Negotiate the best possible "deal" with the first lender, e.g. some communities have reported that first lenders routinely allow \$2,000 to \$3,000 of the first lender's proceeds to go to the State Recipient in short sale situations
- Ensure the following documentation is in the file for later State review:
  - A description of the State Recipient's discussions with the borrower, addressing all of the issues identified above.
  - An estimate of fair market value
  - A description of the State Recipient's negotiations with the primary lender
  - Documents pertaining to the escrow

In their third set of responsibilities, as a recipient of federal HOME funds, the State Recipient must not take any actions contrary to the following provision of the HOME Final Rule at 24 CFR 92.254 (a) (5) (ii) (A):

"...the participating jurisdiction is subject to the limitation that when the recapture requirement is triggered by a sale (voluntary or involuntary) of the housing unit, and there are no net proceeds or the net proceeds are insufficient to repay the HOME investment due, the participating jurisdiction can only recapture the net proceeds, if any. The net proceeds are the sales price minus superior loan repayment (other than HOME funds) and any closing costs."

The Final Rule can be found at:

<http://www.hud.gov/offices/cpd/affordablehousing/lawsandregs/regs/finalrule.pdf>

In the State's view, this language requires the State Recipient, after exhausting all reasonable efforts to counsel the borrower and recover loan proceeds, to allow a borrower to sell their home without having to repay the State Recipient any more than net proceeds. In a short sale scenario, other lenders, realtors and escrow agents will require the State Recipient's approval for the short sale to proceed. This approval cannot be withheld if the State Recipient has provided the necessary counseling and has worked to recover loan proceeds to the extent possible.

If a mortgage debt is cancelled or forgiven, the canceled amount may be taxable for the borrower. The State Recipient should direct the borrower to seek the assistance of a tax consultant or attorney who can provide qualified advice regarding the potential taxable obligation. The Mortgage Forgiveness Debt Relief Act of 2007 (currently applies to debt forgiven in 2007 through 2012) may allow the borrower to exclude all or a portion of the canceled debt from taxation. A link to IRS' website that discusses the Act is: <http://www.irs.gov/individuals/article/0,,id=179414,00.html>. California has a similar forgiveness law that excludes forgiven debt from state tax and conforms to the federal act. The State Recipient must file IRS Form 1099-C for each loan that is canceled or forgiven.

### Short Sale Alternatives

Although HCD approval of short sales is not required, the primary consideration for the State Recipient should be to assist the borrower in retaining their home. State Recipients should continue to work with borrowers to access assistance for avoiding a short sale.

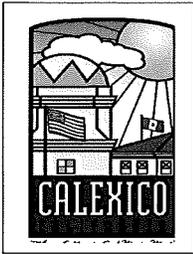
The following contains some alternatives that exist, which should be reviewed with the borrower. Since additional alternatives may become available in the future, State Recipients should explore all alternatives that exist at the time the short sale is being considered.

- Direct the borrower to <http://www.makinghomeaffordable.gov/pages/default.aspx> to explore the two federal Making Home Affordable programs (HAMP: Modification with the current lender vs. HARP: Refinancing up to 125% combined-loan-to-value with the current or another lender). The main goal of these programs is to get the monthly house payments (PITI) at or below 31% of their monthly gross income, which should be affordable to most owners.
- Suggest (or assist) that the borrower attempt direct loan modification with current lender.
- The borrower may seek advice from a HUD-approved free counselor at:  
<http://www.hud.gov/offices/hsg/sfh/hcc/fc/index.cfm?&webListAction=search&searchstate=CA&filterSvc=dfc>
- Direct the borrower to Freddie Mac and Fannie Mae's websites for technical advice and resources: <http://www.freddiemac.com/avoidforeclosure/>
- Advise them of upcoming foreclosure avoidance workshops in their area: <http://www.freddiemac.com/avoidforeclosure/workshops.html#CA>.
- Direct the borrower to CalHFA Mortgage Assistance Corporation to determine their eligibility for programs, such as Unemployment Mortgage Assistance, Mortgage Reinstatement Assistance Program, Principal Reduction Program and Transition Assistance Program: <http://www.keepyourhomecalifornia.com/>.

For additional information or questions, please contact your HOME Program Representative.

**AGENDA  
ITEM**

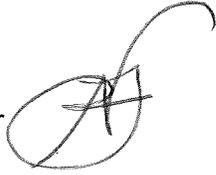
**12**



# AGENDA STAFF REPORT

**DATE:** January 5, 2016

**TO:** Mayor and City Council

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

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

**SUBJECT:** Authorize Acting City Manager to File Notice of Completion for Street Improvement Project Asphalt Rubber Composite Layer Overlay on Designated Streets 2015.

=====

## Recommendation:

Authorize Acting City Manager to File Notice of Completion for Street Improvement Project Asphalt Rubber Composite Layer Overlay on Designated Streets 2015.

## Background:

On February 22, 2015, the Public Works Department requested bids for the Street Improvement Project Asphalt Rubber Composite Layer Overlay. The project consisted of grinding of existing asphalt concrete pavement, installation of conventional asphalt concrete leveling course, asphalt-rubber aggregate membrane, gap graded asphalt-rubber hot mix, installation of conventional asphalt concrete surface course, slurry seal, traffic striping, loop detectors, utility adjustments and traffic control on various streets within City limits.

## Discussion & Analysis:

On April 7, 2015, the City Council of the City of Calexico awarded the Street Improvement Project Asphalt Rubber Composite Layer Overlay on Designated Streets to Aggregate Products Inc. in the amount of \$1,960,472.05. Due to additional work that was not anticipated the contract amount increased by \$217,916.12 with a total cost of \$2,178,388.17. Notice to Proceed for this project was issued on April 27, 2015. Construction began on May 4, 2015 and was completed on December 4, 2015.

## Fiscal Impact:

Imperial County Local Transportation Authority (LTA) Sales Tax Revenue Bond \$2,178,388.17.

AGENDA  
ITEM

12

**Coordinated With:**

Public Works Department.

**Attachment(s):**

1. Notice of Completion.
2. Street Improvement Plans.

RECORDING REQUESTED BY:  
City of Calexico

AND WHEN RECORDED MAIL TO:  
City of Calexico  
Office of the City Manager  
608 Heber Avenue  
Calexico, California 92231

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion.

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is City of Calexico
3. The full address of the owner is 608 Heber Avenue, Calexico, California 92231
4. The nature of the interest or estate of the owner is:  
In fee
5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are  
NAMES ADDRESSES  
None
6. The full names and full addresses of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work or improvements herein referred to  
NAMES ADDRESSES  
None
7. A work of improvement on the property hereinafter described was completed on 12/04/15. The work done was grinding of existing asphalt concrete pavement, installation of conventional asphalt concrete leveling course, asphalt-rubber aggregate membrane, gap graded asphalt-rubber hot mix, installation of conventional asphalt concrete surface course, slurry seal, traffic striping, loop detectors, utility adjustments and traffic control.
8. The name of the contractor, if any, for such work of improvement was Aggregate Products, Inc.  
9500 Beverly Road, Pico Rivera, CA 90660 04/07/15  
(Date of Contract)
9. The property on which said work of improvement was completed is in the City of Calexico,  
County of Imperial, State of California, and is described as follows:  
Street Improvement Project Asphalt Rubber Composite Layer Overlay on Designated Streets
10. The street address of said property is Various streets within City limits

Dated 01/05/16

Nick Fenley, Acting City Manager  
City of Calexico

### VERIFICATION

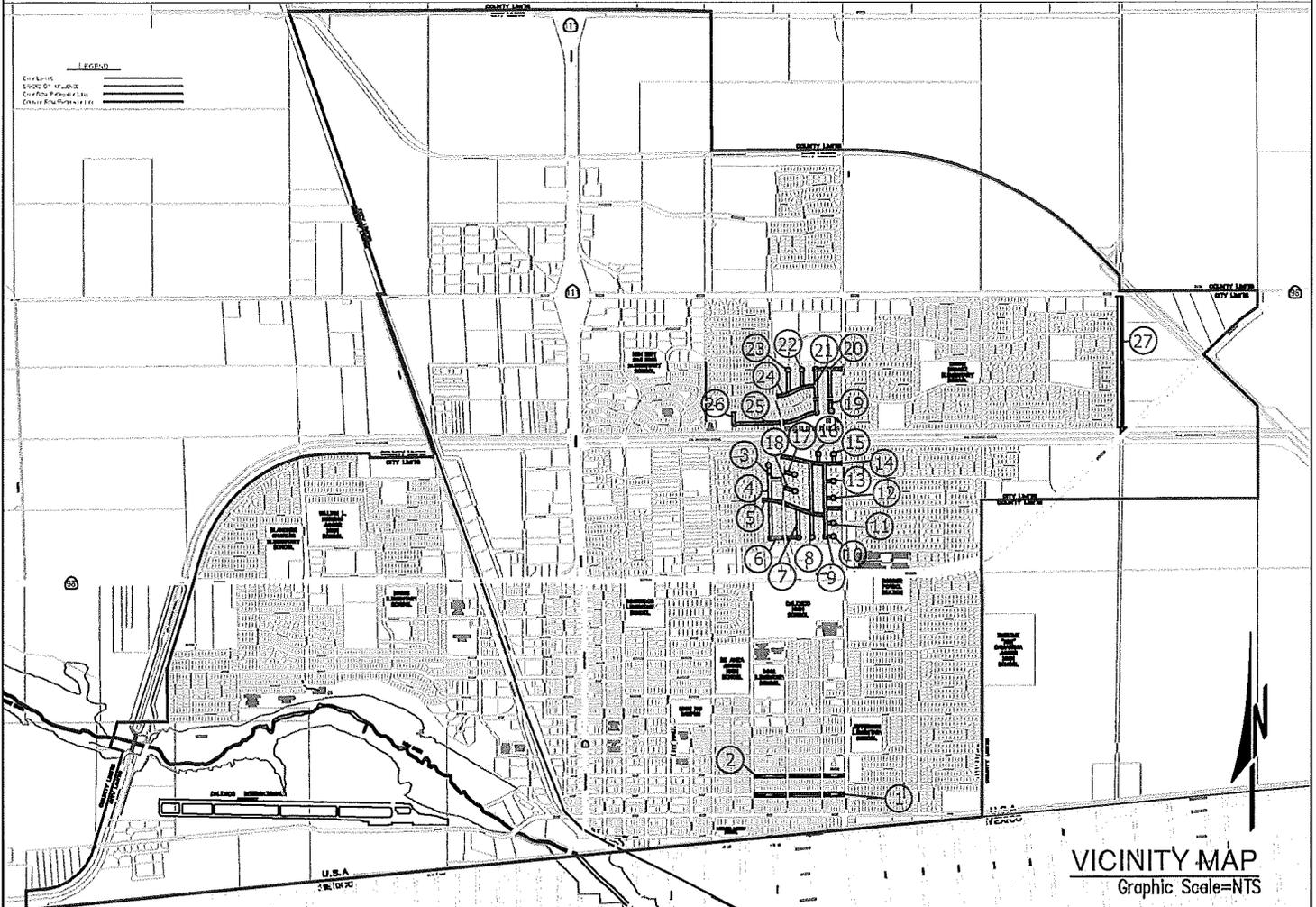
I, the undersigned, say: I am the Acting City Manager, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true to my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 5, 2016, at Calexico, California

Nick Fenley, Acting City Manager  
City of Calexico

# CITY OF CALEXICO

## STREET IMPROVEMENT PROJECT ASPHALT RUBBER COMPOSITE LAYER OVERLAY ON DESIGNATED STREETS 2015



VICINITY MAP  
Graphic Scale=N.T.S

STREET LIST	SHEET INDEX	STREET LIST	SHEET INDEX
1 THIRD STREET	2	16 JEAN ROBINSON CT	3 & 5
2 FOURTH STREET	2	17 VEREDA DR	3 & 6
3 FRONTERA DR	3 & 4	18 PORTON DR	3 & 6
4 PRIMAVERA CT	3 & 4	19 BANDA AVE	7 & 8
5 HOLDRIDGE ST	3 & 4	20 CABANA ST	7 & 8
6 POSADA CT	3 & 4	21 COYOTE AVE	7 & 8
7 PLAZA DR	3 & 4	22 DESCANSO DR	7 & 8
8 FIESTA AVE	3 & 4	23 ENRAMADA DR	7 & 8
9 DE LEON AVE	3 & 5	24 SANTA ANA ST	7 & 8
10 PLATA DR	3 & 5	25 ALAMEDA ST	7 & 8
11 BRAVO DR	3 & 5	26 GRANERO AVE	7 & 8
12 COLORADO DR	3 & 5	27 BOWKER RD	10
13 SANTIAGO DR	3 & 5		
14 HARRINGTON ST	3 & 5		
15 BROWN CT	3 & 5		

NO WORK SHALL BE DONE ON THIS SITE UNTIL BELOW AGENCY IS NOTIFIED OF INTENTION TO GRADE OR EXCAVATE.

**Underground Service Alert**  
Call: TOLL FREE  
**811**  
TWO WORKING DAYS BEFORE YOU DIG.

UNAUTHORIZED CHANGES AND USES :  
Design Engineer will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

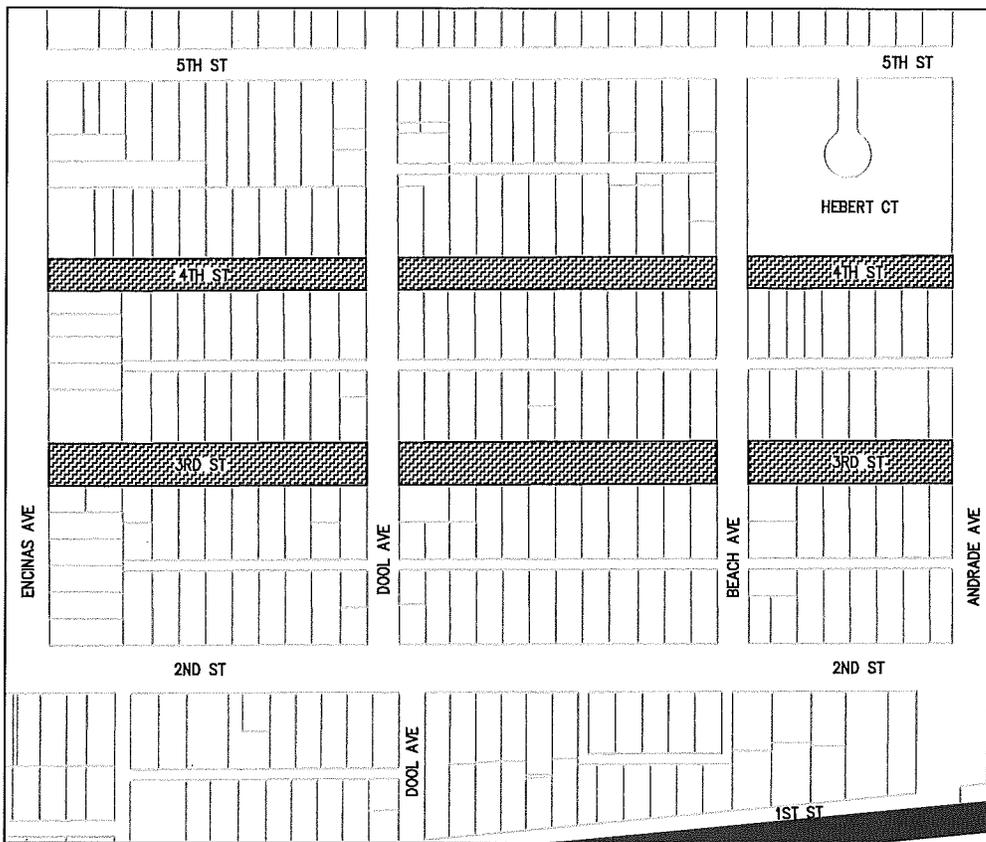


DRAWN BY:  
**GABRIEL**  
DATE:  
**02/19/2015**

PROJECT DESCRIPTION:  
STREET IMPROVEMENT  
PROJECT 2015

SHEET TITLE:  
PROJECT LOCATION MAP &  
SYSTEM REQUIREMENTS

SHEET:  
1 OF 12



NOTE:

1) SEE STANDARD PLAN SHEETS FOR CONSTRUCTION DETAILS.

2) TRAFFIC CONTROL SHALL BE AS DESCRIBED IN CHAPTER 5 OF THE CALTRANS TRAFFIC MANUAL, AND THE LATEST EDITION OF MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES ("CALIFORNIA MUTCD").

 SYSTEM 3



Graphic Scale=NTS

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	90750	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	3/4" Min Leveling course including crack cleaning	60500	S.F.
6	Asphalt-Rubber Aggregate Membrane (ARAM)	6775	S.Y.
7	1.5" ARHM-GG	550	Ton
8	Double Adjustment manholes	3	E.A.
9	Double Adjustment water valves & monuments	1	E.A.
10	Striping, Markings, and Markers	1	L.S.

### THIRD STREET

Asphalt Rubber Composite Layer Overlay (System 3)

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	60500	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	3/4" Min Leveling course including crack cleaning	60500	S.F.
6	Asphalt-Rubber Aggregate Membrane (ARAM)	6775	S.Y.
7	1.5" ARHM-GG	550	Ton
8	Double Adjustment manholes	3	E.A.
9	Double Adjustment water valves & monuments	11	E.A.
10	Striping, Markings, and Markers	1	L.S.

### FOURTH STREET

Asphalt Rubber Composite Layer Overlay (System 3)

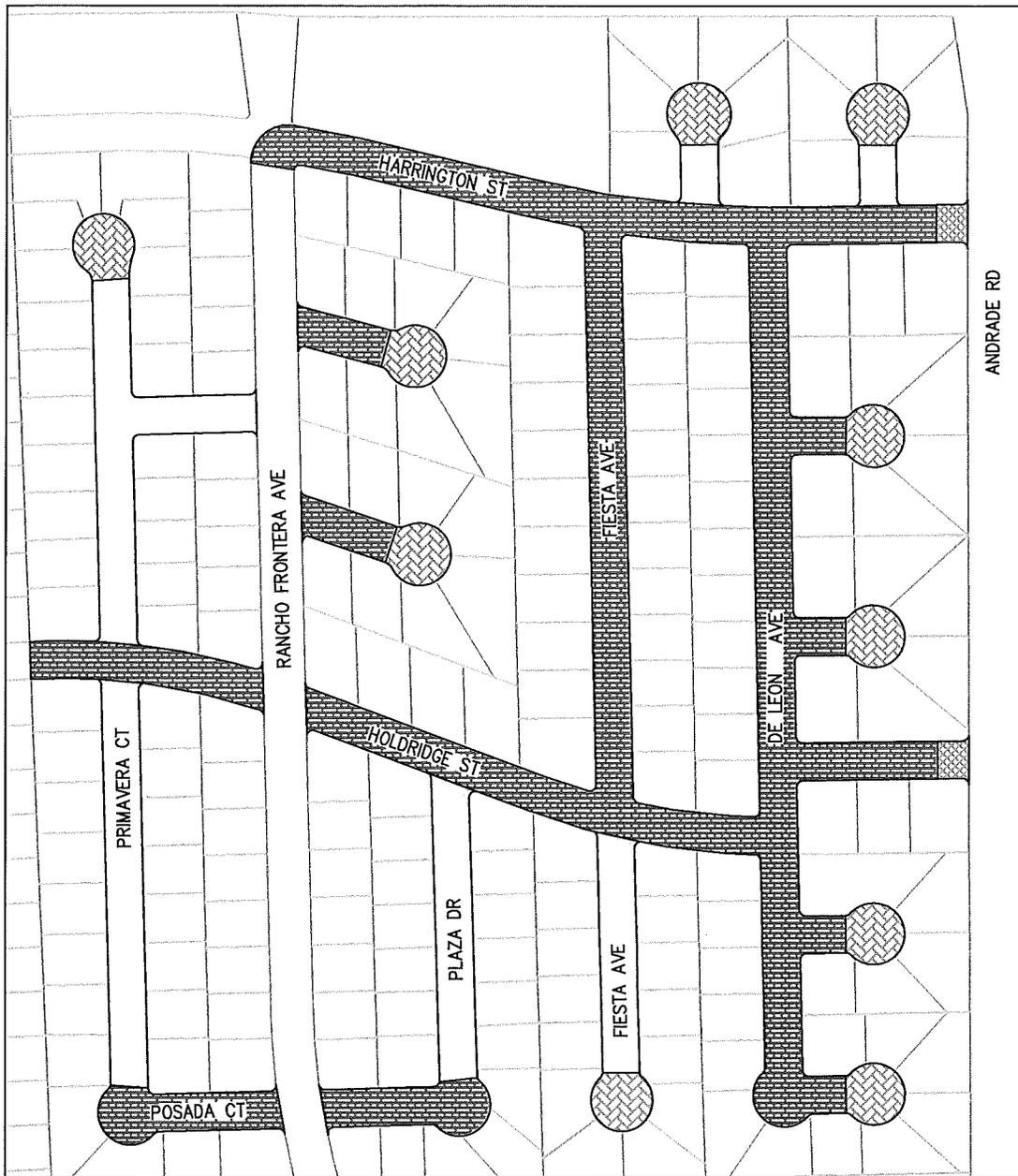


DRAWN BY:  
GABRIEL  
DATE:  
02/19/2015

PROJECT DESCRIPTION:  
STREET IMPROVEMENT  
PROJECT 2015

SHEET TITLE:  
THIRD & FOURTH ST

SHEET:  
2 OF 12



NOTE:

- 1) SEE STANDARD PLAN SHEETS FOR CONSTRUCTION DETAILS.
- 2) TRAFFIC CONTROL SHALL BE AS DESCRIBED IN CHAPTER 5 OF THE CALTRANS TRAFFIC MANUAL, AND THE LATEST EDITION OF MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES ("CALIFORNIA MUTCD").
- 3) CROSS GUTTER MUST BE REMOVED AND REPLACED ON THE SAME DAY.

-  SYSTEM 1
-  SYSTEM 2
-  CONVENTIONAL
-  STOP POINT



Graphic Scale=NTS

ANDRADE RD

**STREET LIST**

FRONTERA DR  
 PRIMAVERA CT  
 HOLDRIDGE ST (A)  
 HOLDRIDGE ST (B)  
 POSADA CT  
 PLAZA DR  
 FIESTA AVE (A)  
 FIESTA AVE (B)  
 DE LEON AVE  
 PLATA DR  
 BRAVO DR  
 COLORADO DR

**LIMITS**

RANCHO FRONTERA AVE - PRIMAVERA CT  
 CUL DE SAC - POSADA CT  
 DE LEON AVE - SUBDIVISION LIMIT  
 ANDRADE AVE - DE LEON AVE  
 PLAZA DR - PRIMAVERA CT  
 HOLDRIDGE ST - POSADA CT  
 HOLDRIDGE ST - CUL DE SAC  
 HARRINGTON ST - HOLDRIDGE ST  
 PLATA DR - HARRINGTON ST  
 DE LEON AVE - CUL DE SAC  
 DE LEON AVE - CUL DE SAC  
 DE LEON AVE - CUL DE SAC

**STREET LIST**

SANTIAGO DR  
 HARRINGTON ST  
 BROWN CT  
 JEAN ROBINSON CT  
 VEREDA DR  
 PORTON DR

**LIMITS**

DE LEON AVE - CUL DE SAC  
 ANDRADE AVE - RANCHO FRONTERA AVE  
 HARRINGTON ST - CUL DE SAC  
 HARRINGTON ST - CUL DE SAC  
 RANCHO FRONTERA AVE - CUL DE SAC  
 RANCHO FRONTERA AVE - CUL DE SAC



DRAWN BY:  
**GABRIEL**  
 DATE:  
 02/19/2015

PROJECT DESCRIPTION:  
 STREET IMPROVEMENT  
 PROJECT 2015

SHEET TITLE:  
 RANCHO FRONTERA SOUTH  
 OF ALL AMERICAN CANAL

SHEET:  
 3 OF 12

## FRONTERA DR

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Asphalt-Rubber Aggregate Membrane (ARAM)	895	S.Y.
6	1.5" Conventional Asphalt	0	Ton
7	Type II Slurry with polymer & RTR rolling	895	S.Y.
8	Single Adjustment manholes	1	E.A.
9	Double Adjustment manholes	0	E.A.
10	Single Adjustment water valves & monuments	1	E.A.
11	Double Adjustment water valves & monuments	0	E.A.
12	Striping, Markings, and Markers	1	L.S.

## PRIMAVERA CT

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1320	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	1065	S.F.
5	Asphalt-Rubber Aggregate Membrane (ARAM)	4745	S.Y.
6	1.5" Conventional Asphalt	41	Ton
7	Type II Slurry with polymer & RTR rolling	4745	S.Y.
8	Single Adjustment manholes	5	E.A.
9	Double Adjustment manholes	0	E.A.
10	Single Adjustment water valves & monuments	12	E.A.
11	Double Adjustment water valves & monuments	1	E.A.
12	Striping, Markings, and Markers	1	L.S.

## HOLDRIDGE ST (A)

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	105	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	43330	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	4815	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	4815	S.Y.
11	Single Adjustment manholes	6	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	12	E.A.
14	Double Adjustment water valves & monuments	0	E.A.
15	Striping, Markings, and Markers	1	L.S.

## HOLDRIDGE ST (B)

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	2 Inch full width Cold Plane at Stop points	1850	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	9325	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	1040	S.Y.
8	1.5" ARHM-GG at Stop points	17	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	1040	S.Y.
11	Single Adjustment manholes	0	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	1	E.A.
14	Double Adjustment water valves & monuments	3	E.A.
15	Striping, Markings, and Markers	1	L.S.

## POSADA CT

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	450	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	488	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	21100	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	2345	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	2345	S.Y.
11	Single Adjustment manholes	5	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	8	E.A.
14	Double Adjustment water valves & monuments	0	E.A.
15	Striping, Markings, and Markers	1	L.S.

## PLAZA DR

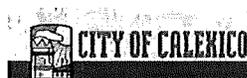
ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	645	S.F.
5	Asphalt-Rubber Aggregate Membrane (ARAM)	2065	S.Y.
6	1.5" Conventional Asphalt	0	Ton
7	Type II Slurry with polymer & RTR rolling	2065	S.Y.
8	Single Adjustment manholes	2	E.A.
9	Double Adjustment manholes	0	E.A.
10	Single Adjustment water valves & monuments	3	E.A.
11	Double Adjustment water valves & monuments	0	E.A.
12	Striping, Markings, and Markers	1	L.S.

## FIESTA AVE (A)

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1340	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Asphalt-Rubber Aggregate Membrane (ARAM)	1635	S.Y.
6	1.5" Conventional Asphalt	42	Ton
7	Type II Slurry with polymer & RTR rolling	1635	S.Y.
8	Single Adjustment manholes	3	E.A.
9	Double Adjustment manholes	0	E.A.
10	Single Adjustment water valves & monuments	4	E.A.
11	Double Adjustment water valves & monuments	0	E.A.
12	Striping, Markings, and Markers	1	L.S.

## FIESTA AVE (B)

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	591	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	34670	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	3855	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	3855	S.Y.
11	Single Adjustment manholes	2	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	7	E.A.
14	Double Adjustment water valves & monuments	0	E.A.
15	Striping, Markings, and Markers	1	L.S.



DRAWN BY:  
GABRIEL  
DATE:  
02/19/2015

PROJECT DESCRIPTION:  
STREET IMPROVEMENT  
PROJECT 2015

SHEET TITLE:  
RANCHO FRONTERA SOUTH  
OF ALL AMERICAN CANAL

SHEET:  
4 OF 12

DE LEON AVE

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	46290	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	5145	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	5145	S.Y.
11	Single Adjustment manholes	6	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	13	E.A.
14	Double Adjustment water valves & monuments	0	E.A.
15	Striping, Markings, and Markers	1	L.S.

BRAVO DR

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1320	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	3040	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	340	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	41	Ton
10	Type II Slurry with polymer & RTR rolling	340	S.Y.
11	Single Adjustment manholes	1	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	3	E.A.
14	Double Adjustment water valves & monuments	1	E.A.
15	Striping, Markings, and Markers	1	L.S.

SANTIAGO DR

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1340	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	544	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	3850	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	430	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	42	Ton
10	Type II Slurry with polymer & RTR rolling	430	S.Y.
11	Single Adjustment manholes	1	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	3	E.A.
14	Double Adjustment water valves & monuments	1	E.A.
15	Striping, Markings, and Markers	1	L.S.

BROWN CT

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1320	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	294	S.F.
5	Asphalt-Rubber Aggregate Membrane (ARAM)	470	S.Y.
6	1.5" Conventional Asphalt	41	Ton
7	Type II Slurry with polymer & RTR rolling	470	S.Y.
8	Single Adjustment manholes	1	E.A.
9	Double Adjustment manholes	0	E.A.
10	Single Adjustment water valves & monuments	3	E.A.
11	Double Adjustment water valves & monuments	0	E.A.
12	Striping, Markings, and Markers	1	L.S.

PLATA DR

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1360	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	2670	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	300	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	43	Ton
10	Type II Slurry with polymer & RTR rolling	300	S.Y.
11	Single Adjustment manholes	1	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	3	E.A.
14	Double Adjustment water valves & monuments	1	E.A.
15	Striping, Markings, and Markers	1	L.S.

COLORADO DR

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1340	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	544	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	3600	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	400	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	42	Ton
10	Type II Slurry with polymer & RTR rolling	400	S.Y.
11	Single Adjustment manholes	1	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	3	E.A.
14	Double Adjustment water valves & monuments	1	E.A.
15	Striping, Markings, and Markers	1	L.S.

HARRINGTON ST

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	240	S.F.
2	2 Inch full width Cold Plane at Stop points	1850	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	40700	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	4525	S.Y.
8	1.5" ARHM-GG at Stop points	17	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	4525	S.Y.
11	Single Adjustment manholes	8	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	9	E.A.
14	Double Adjustment water valves & monuments	3	E.A.
15	Striping, Markings, and Markers	1	L.S.

JEAN ROBINSON CT

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1415	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Asphalt-Rubber Aggregate Membrane (ARAM)	480	S.Y.
6	1.5" Conventional Asphalt	47	Ton
7	Type II Slurry with polymer & RTR rolling	480	S.Y.
8	Single Adjustment manholes	1	E.A.
9	Double Adjustment manholes	0	E.A.
10	Single Adjustment water valves & monuments	2	E.A.
11	Double Adjustment water valves & monuments	0	E.A.
12	Striping, Markings, and Markers	1	L.S.



DRAWN BY:  
GABRIEL  
DATE:  
02/19/2015

PROJECT DESCRIPTION:  
STREET IMPROVEMENT  
PROJECT 2015

SHEET TITLE:  
RANCHO FRONTERA SOUTH  
OF ALL AMERICAN CANAL

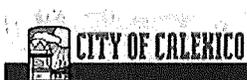
SHEET:  
5 OF 12

VEREDA DR

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1360	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	544	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	6180	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	690	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	43	Ton
10	Type II Slurry with polymer & RTR rolling	690	S.Y.
11	Single Adjustment manholes	1	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	2	E.A.
14	Double Adjustment water valves & monuments	1	E.A.
15	Striping, Markings, and Markers	1	L.S.

PORTON DR

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1320	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	312	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	6515	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	725	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	41	Ton
10	Type II Slurry with polymer & RTR rolling	725	S.Y.
11	Single Adjustment manholes	1	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	3	E.A.
14	Double Adjustment water valves & monuments	1	E.A.
15	Striping, Markings, and Markers	1	L.S.

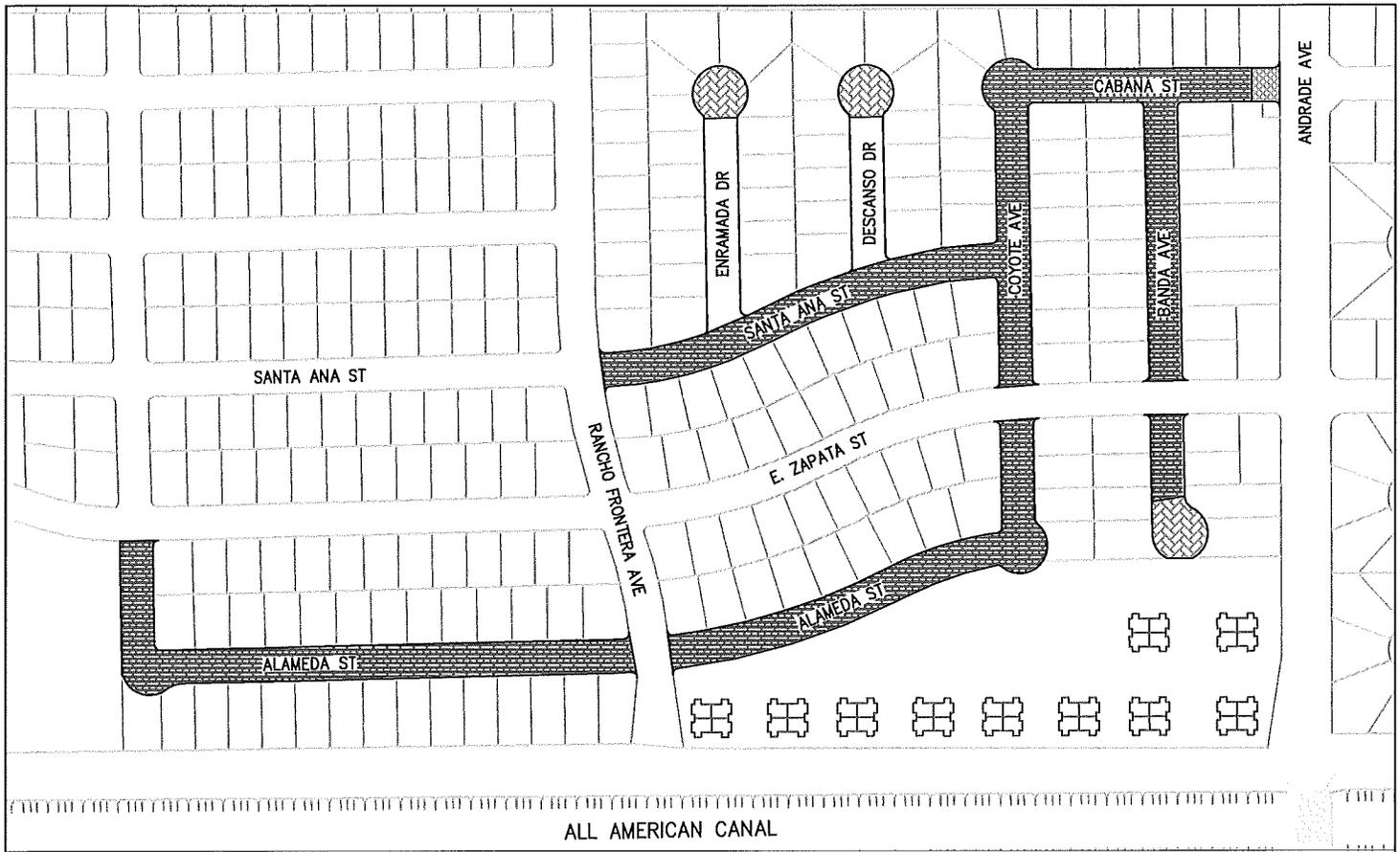


DRAWN BY:  
GABRIEL  
DATE:  
02/19/2015

PROJECT DESCRIPTION:  
STREET IMPROVEMENT  
PROJECT 2015

SHEET TITLE:  
RANCHO FRONTERA SOUTH  
OF ALL AMERICAN CANAL

SHEET:  
6 OF 12



ALL AMERICAN CANAL

**NOTE:**

- 1) SEE STANDARD PLAN SHEETS FOR CONSTRUCTION DETAILS.
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- 3) CROSS GUTTER MUST BE REMOVED AND REPLACED ON THE SAME DAY.



Graphic Scale=NTS

- SYSTEM 1
- SYSTEM 2
- CONVENTIONAL
- STOP POINT

**STREET LIST**

CABANA ST  
 BANDA AVE  
 COYOTE AVE  
 DESCANSO DR  
 ENRAMADA DR  
 SANTA ANA ST  
 ALAMEDA ST  
 GRANERO AVE

**LIMITS**

COYOTE AVE - ANDRADE AVE  
 CABANA ST - CUL DE SAC  
 ALAMEDA ST - CABANA ST  
 SANTA ANA ST - CUL DE SAC  
 SANTA ANA ST - CUL DE SAC  
 RANCHO FRONTERA AVE - COYOTE AVE  
 GRANERO AVE - COYOTE AVE  
 ALAMEDA ST - E. ZAPATA ST



DRAWN BY:  
**GABRIEL**  
 DATE:  
 02/19/2015

PROJECT DESCRIPTION:  
 STREET IMPROVEMENT  
 PROJECT 2015

SHEET TITLE:  
 RANCHO FRONTERA NORTH  
 OF ALL AMERICAN CANAL

SHEET:  
 7 OF 12

CABANA ST

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	2 Inch full width Cold Plane at Stop points	1850	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	18320	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	2040	S.Y.
8	1.5" ARHM-GG at Stop points	17	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	2040	S.Y.
11	Single Adjustment manholes	2	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	1	E.A.
14	Double Adjustment water valves & monuments	3	E.A.
15	Striping, Markings, and Markers	1	L.S.

COYOTE AVE

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	30050	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	3340	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	3340	S.Y.
11	Single Adjustment manholes	1	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	8	E.A.
14	Double Adjustment water valves & monuments	0	E.A.
15	Striping, Markings, and Markers	1	L.S.

ENRAMADA DR

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1340	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	652	S.F.
5	Asphalt-Rubber Aggregate Membrane (ARAM)	1590	S.Y.
6	1.5" Conventional Asphalt	42	Ton
7	Type II Slurry with polymer & RTR rolling	1590	S.Y.
8	Single Adjustment manholes	2	E.A.
9	Double Adjustment manholes	0	E.A.
10	Single Adjustment water valves & monuments	3	E.A.
11	Double Adjustment water valves & monuments	1	E.A.
12	Striping, Markings, and Markers	1	L.S.

ALAMEDA ST

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	56350	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	6260	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	6260	S.Y.
11	Single Adjustment manholes	7	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	14	E.A.
14	Double Adjustment water valves & monuments	0	E.A.
15	Striping, Markings, and Markers	1	L.S.

BANDA AVE

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1360	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	544	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	26500	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	2950	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	43	Ton
10	Type II Slurry with polymer & RTR rolling	2950	S.Y.
11	Single Adjustment manholes	2	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	10	E.A.
14	Double Adjustment water valves & monuments	0	E.A.
15	Striping, Markings, and Markers	1	L.S.

DESCANSO DR

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	1340	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	181	S.F.
5	Asphalt-Rubber Aggregate Membrane (ARAM)	1150	S.Y.
6	1.5" Conventional Asphalt	42	Ton
7	Type II Slurry with polymer & RTR rolling	1150	S.Y.
8	Single Adjustment manholes	1	E.A.
9	Double Adjustment manholes	0	E.A.
10	Single Adjustment water valves & monuments	4	E.A.
11	Double Adjustment water valves & monuments	1	E.A.
12	Striping, Markings, and Markers	1	L.S.

SANTA ANA ST

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	27900	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	3100	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	3100	S.Y.
11	Single Adjustment manholes	6	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	7	E.A.
14	Double Adjustment water valves & monuments	0	E.A.
15	Striping, Markings, and Markers	1	L.S.

GRANERO AVE

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	Skin Patch	0	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	9500	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	1060	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	1060	S.Y.
11	Single Adjustment manholes	0	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	3	E.A.
14	Double Adjustment water valves & monuments	0	E.A.
15	Striping, Markings, and Markers	1	L.S.

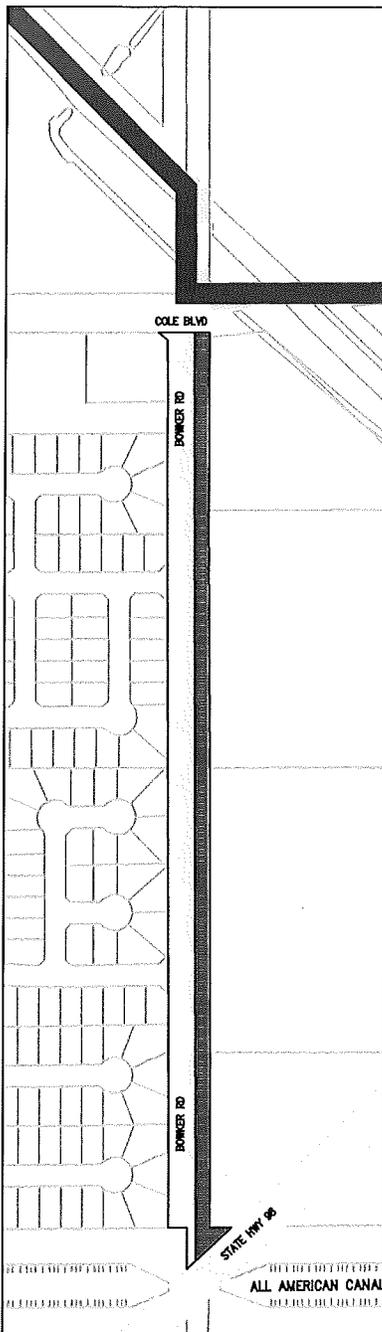


DRAWN BY:  
GABRIEL  
DATE:  
02/19/2015

PROJECT DESCRIPTION:  
STREET IMPROVEMENT  
PROJECT 2015

SHEET TITLE:  
RANCHO FRONTERA NORTH  
OF ALL AMERICAN CANAL

SHEET:  
8 OF 12



**NOTE:**

- 1) SEE STANDARD PLAN SHEETS FOR CONSTRUCTION DETAILS.
- 2) TRAFFIC CONTROL SHALL BE AS DESCRIBED IN CHAPTER 5 OF THE CALTRANS TRAFFIC MANUAL, AND THE LATEST EDITION OF MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES ("CALIFORNIA MUTCD").

	SYSTEM 1
	SYSTEM 2
	CONVENTIONAL
	STOP POINT

**BOWKER RD**

Asphalt Rubber Composite Layer Overlay (System 2)

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	2 Inch full width Cold Plane at Stop points	0	S.F.
3	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
4	Skin Patch	0	S.F.
5	Crack Seal	0	L.S.
6	3/4" Min Leveling course including crack cleaning	59760	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	6640	S.Y.
8	1.5" ARHM-GG at Stop points	0	Ton
9	1.5" Conventional Asphalt	0	Ton
10	Type II Slurry with polymer & RTR rolling	6640	S.Y.
11	Single Adjustment manholes	0	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	0	E.A.
14	Double Adjustment water valves & monuments	0	E.A.
15	Striping, Markings, and Markers	1	L.S.

Asphalt Rubber Composite Layer Overlay (System 1)

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	0	S.F.
2	Skin Patch	0	S.F.
3	Crack Seal	0	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	Asphalt-Rubber Aggregate Membrane (ARAM)	12075	S.Y.
6	1.5" Conventional Asphalt	0	Ton
7	Type II Slurry with polymer & RTR rolling	12075	S.Y.
8	Single Adjustment manholes	9	E.A.
9	Double Adjustment manholes	0	E.A.
10	Single Adjustment water valves & monuments	19	E.A.
11	Double Adjustment water valves & monuments	0	E.A.
12	Striping, Markings, and Markers	1	L.S.

Graphic Scale=NTS

## SUMMARY SYSTEM 3

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	151250	S.F.
2	Skin Patch	4550	S.F.
3	Crack Seal	1	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	0	S.F.
5	3/4" Min Leveling course including crack cleaning	121000	S.F.
6	Asphalt-Rubber Aggregate Membrane (ARAM)	13550	S.Y.
7	1.5" ARHM-GG	1100	Ton
8	Double Adjustment manholes	6	E.A.
9	Double Adjustment water valves & monuments	12	E.A.
10	Striping, Markings, and Markers	1	L.S.

## SUMMARY SYSTEM 2

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	10090	S.F.
2	2 Inch full width Cold Plane at Stop points	5550	S.F.
3	Skin Patch	470	S.F.
4	R & R Existing AC/Construct PCC Cross Gutter	3672	S.F.
5	Crack Seal	1	L.S.
6	3/4" Min Leveling course including crack cleaning	449650	S.F.
7	Asphalt-Rubber Aggregate Membrane (ARAM)	50000	S.Y.
8	1.5" ARHM-GG at Stop points	51	Ton
9	1.5" Conventional Asphalt	295	Ton
10	Type II Slurry with polymer & RTR rolling	50000	S.Y.
11	Single Adjustment manholes	51	E.A.
12	Double Adjustment manholes	0	E.A.
13	Single Adjustment water valves & monuments	110	E.A.
14	Double Adjustment water valves & monuments	15	E.A.
15	Striping, Markings, and Markers	1	L.S.

## SUMMARY SYSTEM 1

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT
1	2 Inch full width Cold Milling	8075	S.F.
2	Skin Patch	245	S.F.
3	Crack Seal	1	L.S.
4	R & R Existing AC/Construct PCC Cross Gutter	2837	S.F.
5	Asphalt-Rubber Aggregate Membrane (ARAM)	25105	S.Y.
6	1.5" Conventional Asphalt	255	Ton
7	Type II Slurry with polymer & RTR rolling	25105	S.Y.
8	Single Adjustment manholes	25	E.A.
9	Double Adjustment manholes	0	E.A.
10	Single Adjustment water valves & monuments	51	E.A.
11	Double Adjustment water valves & monuments	3	E.A.
12	Striping, Markings, and Markers	1	L.S.

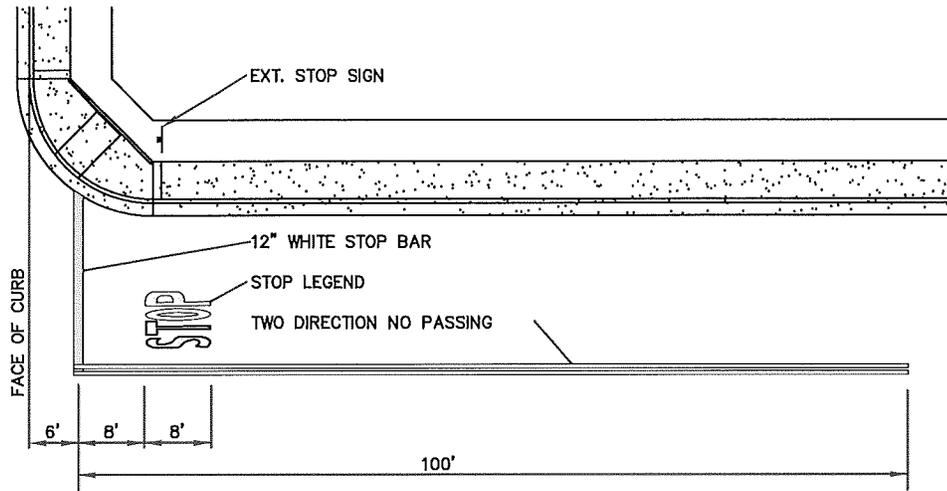


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DATE:	02/19/2015

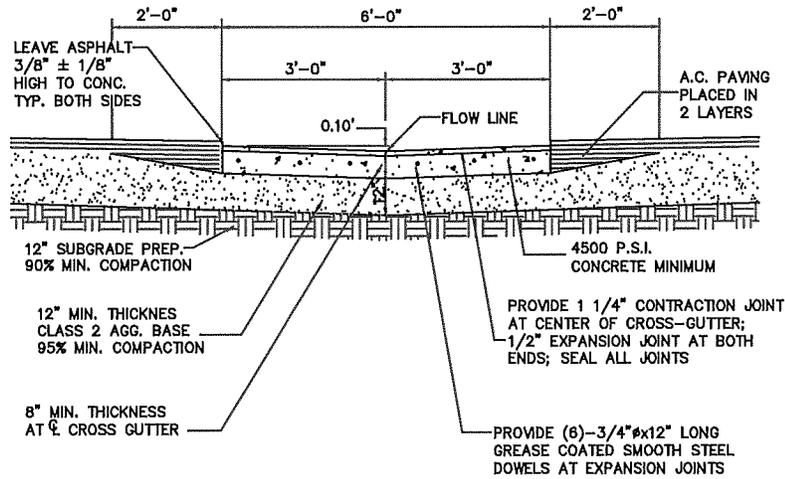
PROJECT DESCRIPTION:	STREET IMPROVEMENT PROJECT 2015
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SHEET TITLE:	SUMMARY
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SHEET:	10 OF 12
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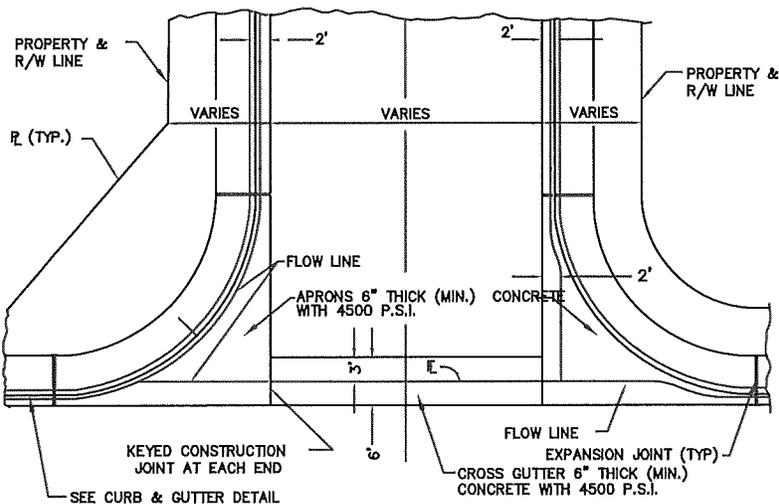


TYPICAL STOP SIGN MARKINGS & LAYOUT NTS



NOTE: CROSS-GUTTER SHALL BE REMOVED AND REPLACED ON THE SAME DAY

CROSS GUTTER SECTION NTS



CROSS GUTTER LAYOUT NTS



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**GABRIEL**  
 DATE:  
 02/19/2015

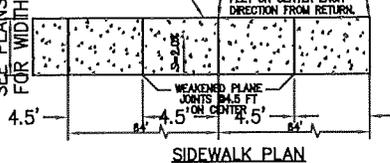
PROJECT DESCRIPTION:  
 STREET IMPROVEMENT  
 PROJECT 2015

SHEET TITLE:  
 CONSTRUCTION DETAILS

SHEET:  
 11 OF 12

CONSTRUCT A 4" INCH THICK P.C.C. SIDEWALK. THE P.C.C. SHALL CONTAIN 6 1/2 SACKS OF CEMENT PER CUBIC YARD AND ATTAIN A COMPRESSIVE STRENGTH OF 4,500 PSI AFTER 28 DAYS CURING.

SEE PLANS FOR WIDTH



SIDEWALK PLAN

NOTES SIDEWALK

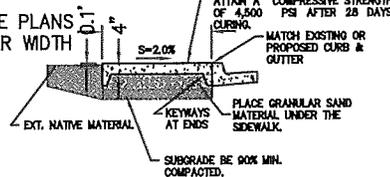
1. PLACE EXPANSION JOINT ALONG SIDEWALK AND CURB AND GUTTER EVERY 84 FEET. EXPANSION JOINT MATERIAL TO BE COMPOSED OF 1/2" FIBER BOARD INSTALLED ACROSS FULL SECTION OF CURB AND GUTTER AND SIDEWALK.
2. THE P.C.C. SHALL CONTAIN 6 1/2 SACKS OF CEMENT PER CUBIC YARD AND ATTAIN A COMPRESSIVE STRENGTH OF 4,500 PSI AFTER 28 DAYS CURING.



WEAKENED PLANE JOINT

CONSTRUCT A 4" INCH THICK P.C.C. SIDEWALK. THE P.C.C. SHALL CONTAIN 6 1/2 SACKS OF CEMENT PER CUBIC YARD AND ATTAIN A COMPRESSIVE STRENGTH OF 4,500 PSI AFTER 28 DAYS CURING.

SEE PLANS FOR WIDTH



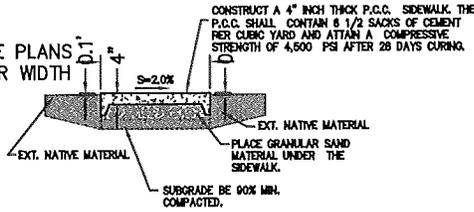
SECTION WITH CURB

ASPHALTIC JOINT SEALER OR CELOTEX FIBER BOARD & COVER JOINT WITH CALKING SEALER



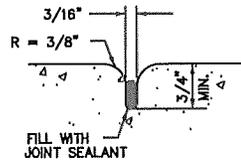
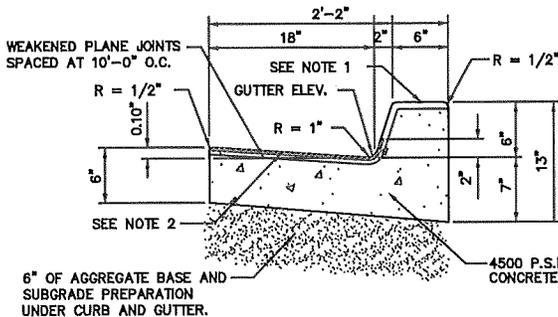
EXPANSION JOINT

SEE PLANS FOR WIDTH



SECTION WITH OUT CURB

CONCRETE SIDEWALK DETAIL NTS



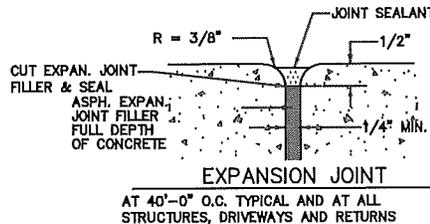
WEAKENED PLANE JOINT

AT 10'-0" O.C. TYPICAL

RESIDENTIAL DRIVEWAY DETAIL NTS

NOTES:

1. PLACE EXPANSION JOINT ALONG SIDEWALK AND CURB AND GUTTER EVERY 64 FEET. EXPANSION JOINT MATERIAL TO BE COMPOSED OF 1/2" FIBER BOARD INSTALLED ACROSS FULL SECTION OF CURB AND GUTTER AND SIDEWALK.
2. THE P.C.C. SHALL CONTAIN 6 1/2 SACKS OF CEMENT PER CUBIC YARD AND ATTAIN A COMPRESSIVE STRENGTH OF 4,500 PSI AFTER 28 DAYS CURING.
3. 6" INCH THICK P.C.C. THE P.C.C. SHALL CONTAIN 6 1/2 SACKS OF CEMENT PER CUBIC YARD AND ATTAIN A COMPRESSIVE STRENGTH OF 4,500 PSI AFTER 28 DAYS CURING. OVER 8" COMPACT GRAVEL.
4. NATIVE SOIL TO BE MOISTEN AT TIME OF POURING CONCRETE MINIMUM 90% MOISTURE CONTENT.



EXPANSION JOINT

AT 40'-0" O.C. TYPICAL AND AT ALL STRUCTURES, DRIVEWAYS AND RETURNS

NOTES:

1. PLACE "S" (STAMPED), AND "G" (CHIPPED) IN TOP OF CURB FOR SHOWING THE RESPECTIVE LOCATION OF SEWER AND GAS SERVICES. "W" (STAMPED)- WATER SERVICE
2. EXTEND JOINT SEALANT ACROSS GUTTER AND 2" UP CURB FACE, ALL JOINTS.
3. SUBGRADE FOR CURB SHALL BE 90% MIN. COMPACTED.

CURB & GUTTER DETAIL NTS

