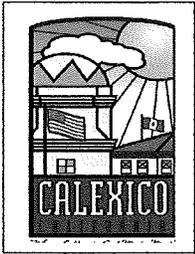


**AGENDA  
ITEM**

**11**



# AGENDA STAFF REPORT

**DATE:** February 16, 2016

**TO:** Mayor and City Council

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

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

**SUBJECT:** Approve List of Selected Consultants for "On-Call Engineering, Plan Check, Surveying, Inspection Services, Geotechnical, Landscape and Architectural Design Services"

=====

**Recommendation:**

Approve List of Selected Consultants for "On-Call Engineering, Plan Check, Surveying, Inspection Services, Geotechnical, Landscape and Architectural Design Services"

**Background:**

On January 7, 2016, the Public Works Department requested proposals from qualified engineering professionals to provide on-call engineering, plan check, surveying, inspection, geotechnical, landscape and architectural design services. These services will be on an intermittent basis.

**Discussion & Analysis:**

The purpose of the Request for Proposals (RFP) was to provide the City with the ability to obtain assistance quickly during peak workloads, staffing absence and to satisfy City scheduling needs when expedited/fast track support is needed. Please note that individual contracts will be executed on a project-by-project basis. If the contract amount of a particular project exceed \$10,000.00, it will be brought before City Council for approval. For this reason, Public Works staff is requesting that the City Council of the City of Calexico approve the attached list of selected consultants for on-call engineering, plan check, surveying, inspection services, geotechnical, landscape and architectural design services.

**Fiscal Impact:**

Unknown at this time.

<b>AGENDA ITEM</b> <b>11</b>
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**Coordinated With:**

Public Works Department

**Attachment(s):**

1. List of Selected Consultants
2. Request for Proposals for "On-Call Engineering, Plan Check, Surveying, Inspection Services, Geotechnical, Landscape and Architectural Design Services"

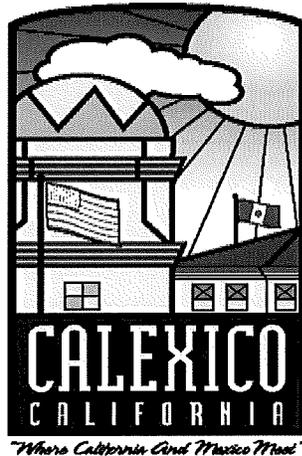
# **CITY OF CALEXICO**

## **List of Selected Consultants for**

### **On-Call Engineering, Plan Check, Surveying, Inspection Services, Geotechnical, Landscape and Architectural Design Services**

1. BJ Engineering and Surveying, Inc.  
341 West Crown Court, Suite 100  
Imperial, CA 92251
2. Dynamic Consulting Engineering  
2415 Imperial Business Park Drive, Suite B  
Imperial, CA 92251
3. ProTerra Land Surveying/Civil Engineering/Project Management  
444 South Eight Street, Suite D  
El Centro, CA 92243
4. The Holt Group, Inc.  
1061 N. Imperial Avenue  
El Centro, CA 92243
5. Yañez Engineering  
1089 Santiago Drive  
Calexico, CA 92231

# CITY OF CALEXICO



## REQUEST FOR PROPOSALS FOR ON CALL ENGINEERING, PLAN CHECK, SURVEYING, INSPECTION SERVICES, GEOTECHNICAL, LANDSCAPE AND ARCHITECTURAL DESIGN SERVICES

Office of the City Manager  
608 Heber Avenue  
Calexico, CA 92231  
760/768-2110  
[www.calexico.ca.gov](http://www.calexico.ca.gov)

January 7, 2016

**CITY OF CALEXICO  
OFFICE OF THE CITY MANAGER**

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**CITY OF CALEXICO  
REQUEST FOR PROPOSALS  
ON CALL ENGINEERING, PLAN CHECK, SURVEYING, INSPECTION SERVICES,  
GEOTECHNICAL, LANDSCAPE AND ARCHITECTURAL DESIGN SERVICES**

**I. Background**

The City of Calexico Department of Public Works is requesting proposals from qualified engineering professionals to provide on-call engineering, plan check, surveying, inspection, geotechnical, landscape and architectural design services. These services will be on an intermittent basis. The successful bidder must review plans for conformance with conditions of approval along with local and other applicable (City, County, State and Federal) ordinances and standards.

The purpose of the Request for Proposal ("RFP") is to provide the Public Works Department with the ability to obtain assistance quickly during peak workload periods, staffing absences and when expedited/fast track support is needed to satisfy City of Calexico customers. An important objective is to maintain a level of high quality engineering, plan check, surveying, inspection services, geotechnical, landscape and architectural design services and workflow methodology in the most cost-effective manner possible.

Qualified entities are invited to submit written proposals for consideration in accordance with this request. These services will be conducted under a contract with the City of Calexico, hereinafter referred to as "the City." The engineering consultant entity is hereinafter referred to as "the Consultant."

The contract will be regulated according to the provisions of all Federal, State and local laws and ordinances that are applicable. This includes compliance with prevailing wage rates and their payment in accordance with the California Labor Code.

**II. Project Description**

The Consultant shall provide all necessary on-call engineering, plan check, surveying, inspection services, geotechnical, landscape and architectural design to the City. It is the intention of the City to select and contract with more than one (1) consultant for these services. The selected firm(s) will provide on-call engineering, plan check, surveying, inspection services, geotechnical, landscape and architectural design services that include but are not limited to those listed in Section III, "Scope of Work." The City will assign work to any of the firms as is deemed necessary and appropriate by the City. All work shall be performed under the direction of a licensed architect or engineer registered with the State of California. No subcontractors shall be utilized without prior authorization by City. Duration of contract shall be three (3) years from Council approval of contract with the option by both City and Consultant, by mutual agreement, to extend for up to one (1) two (2) year extension.

<b>PROPOSED SCHEDULE OF EVENTS</b>	
Issue Request for Proposal	January 7, 2016
Proposal Deadline	January 28, 2016
Consultant Interview/Selection	Week of February 8, 2016
Award Contracts	February 16, 2016 at 6:30p.m.
Kick-Off Meeting	TBD

### **III. Scope of Work**

This scope of work is to provide on-call engineering, plan check, surveying, inspection, geotechnical, landscape, and architectural design services to the City of Calexico Public Works Department in accordance with all provisions within this RFP. These services will be on an intermittent basis. The general scope of work includes but is not limited to engineering review and plan check for correctness of plans, design calculations and technical specifications related to materials for proposed improvements, development of correction lists, and transmittal of correction lists to the City.

The scope also provides for preparation of various plans, surveys, specifications, estimates and studies/ reports for a wide variety of federally-funded and/or locally-funded projects including road and bridge transportation projects, grading and drainage improvement projects, underground water, sewer and/or storm drain utility projects, water and sewer plant projects.

The scope shall also provide for other as-needed professional architect or engineering design and inspection services to assist the City.

The Construction Manager, from the inception of the project, is there to provide a cohesive planning delivery effort and to act on the owner's behalf. The construction management scope of services is divided into two main categories: (1) the planning, design and pre-construction phase and (2) the construction and delivery phase.

Meetings with the client may or may not be required at the option of the City and will be determined on a case by case basis. Prior to approval of the submitted plans, the consultant firm will certify in writing that the design is in substantial compliance with applicable local, State and Federal requirements. Ultimate responsibility for errors/omissions of plans and specifications will continue to rest with the originating design firm in accordance with local, State and Federal law. The selected firm(s) may assist the City with various engineering assignments including but not limited to:

#### **A. Design Engineering, Plan Check, Surveying, Inspection Services, Geotechnical, Landscape and Architectural Design Services**

- Provide geotechnical engineering services and survey services necessary or the required scope of work.
- Review and /or preparation of landscape architectural plans, specifications and cost estimates including landscaping and irrigation plans, site furnishings and layout plans.
- Review for completeness of developer application and submittals.

- Review and/or preparation of grading improvement plans (mass, rough and precise).
- Preparation of Phase I and II site investigation and soils reports, including field exploration, drill test borings, sample soils, compacting testing, and laboratory tests. Laboratory shall be
  - Caltrans certified.
- Review and/or preparation of storm drain improvement plans.
- Review and/or preparation of hydrology and hydraulic reports to ensure conformance with storm drain plans.
- Review of Federal and State-mandated reports required under the NPDES and AQMD guidelines.
- Review and/or preparation of traffic plan (signing and striping plans, traffic detour and traffic staging plans, as well as signals).
- Review and/or preparation of traffic studies/reports to ensure conformance with traffic plans.
- Review and/or preparation of street improvement plans.
- Review and/or preparation of domestic or raw water improvement plans.
- Review and/or preparation of water improvement design studies to be in conformance with water improvement plans.
- Review and/or preparation of sewer improvement plans.
- Review and/or preparation of water and sewer pressure and capacity calculations and reports.
- Review and/or preparation of tract and parcel maps.
- Review and/or preparation of supporting documentation for tract and parcel maps.
- Review and/or preparation of lot line adjustment.
- Review and/or preparation of structure calculations.
- Review and/or preparation of engineering quantity estimates and costs.
- Review of engineer's cost estimate for related items of work for bonding purposes.
- Review plans for consistency with other planned improvements.
- Field and construction inspection services.
- Land surveying and map/easement or legal description preparation
- Preparation of fair share reimbursements and calculations for future development.
- Development of engineering design standards and guidelines to help with the plan checking process.
- Architectural design and remodeling and landscape design.

**B. Construction Management Services Include But Are Not Limited To:**

1. Planning, Design & Pre-Construction Phase

- Assist the architect/engineer in defining the owner's needs and setting the project criteria.
- Providing a value/cost analysis to both the owner and architect/engineer.
- Advising the owner of construction methods, materials and structural components as the project plan matures.
- Budgeting and cost estimating and preparation of preliminary construction schedules.
- Bid packaging and coordination with the architect/engineer.

- Identification of long lead time construction items.
- Quality control and constructability reviews of a project's plans and specifications.
- Bid assessment and qualifying.
- Help determine awarding of contracts.
- Contract review and execution.

## 2. Construction & Delivery Phase

- Providing on-site construction administration, supervision and coordination.
- Providing various inspections and construction quality control as required for the given public works project.
- Scheduling and conducting all job site and construction meetings.
- Developing and maintaining construction schedules.
- Maintaining cost accounting and cost control records.
- Reviewing with the owner and architect/engineer the monthly status reports, including these areas:
  - Cost vs. budget.
  - Construction progress vs. schedule.
  - Change order summary.
  - Quality of workmanship review.
- Processing change orders initiated by the owner.
- Preparing punch lists in advance of completion and establishing management systems for correction of any deficient work by the appropriate contractor.
- Arranging for inspections by the appropriate governing authorities.
- Coordination with all stakeholders involved with a construction project including but not limited to contractors, Caltrans, Imperial Irrigation District, County of Imperial, the Air
- Quality Control Board, City of Calexico, Southern California Gas, Time Warner Cable, AT&T, State Department of Fish and Game and any other various public or private entities.
- Monitoring adherence to safety programs & coordinating all safety requirements.
- Coordinating all general condition items including temporary facilities.
- Assisting the owner/architect/engineer with selection of the surveyor, testing labs and specialty inspection consultants and coordinating work associated with said personnel and/or firms.
- Obtaining for the owner all building equipment, operating manuals and warranty information, and coordinating startup of the building systems with operational personnel.
- Obtaining for the owner as-built drawings for the architect/engineer and contractors.
- Finalizing accounting on construction contracts, recommending retainage release, and obtaining final lien waivers and processing of Notice of Completion.
- Coordinating contractor warranty work as required during the warranty period.
- Assisting the owner in occupancy, equipment startup and systems operations through the appropriate suppliers and trades.

### **C. Map Check and Lot Line Adjustment Services**

Tract and parcel maps are to be reviewed under the supervision of a licensed land surveyor in the State of California for the procedure of survey review, mathematical closure, and compliance with the Subdivision Map Act, the Land Surveyor's Act, the approved tentative map, the approved conditions of approval and a current title report.

- The reviews include, but are not limited to:
  - The review of survey documentation.
  - Lot and boundary closure calculations.
  - Dedications and easement provisions.
  - Legal descriptions and completeness and accuracy of data notation.
  
- Some of the specific items that are reviewed or checked are as follows:
  - Title sheet information.
  - Current legal descriptions.
  - Correct assessor's parcel being subdivided per the title report.
  - Closure of subdivision boundary and individual lots.
  - Verify lot areas.
  - Check for correct mathematics.
  - Proper delineation and identification of record data.
  - All appropriate data in the title report is shown on the map.
  - Proper reference to adjacent recorded maps is shown.
  - Proper references and ties to found/set monuments are shown.
  - Calculated, recorded and measured distances agree, or variances are noted on the map.
  - Boundary tied to California Coordinate System, where required.
  - Verify ownership shown on the map against the title report.

In addition to reviewing tract and parcel maps, the Consultant may be requested to review lot line adjustment documents and prepare legal descriptions and plats for the City for easements or rights-of-way.

Federal Acquisition Regulations in Title 48, CFR 31 are the governing factors regarding allowable elements of costs for all Federally-funded projects that the Consultant is tasked to provide.

The period of time that the Consultant's records shall be retained for inspection by the State, FHWA, or their duly authorized representative must be at least three (3) years after final payment to the Consultant for all Federally-funded projects.

All tracings, plans, specifications and maps prepared or obtained under the terms of the contract with the City shall be delivered to and become the property of the City and basic survey notes and sketches, charts, computations and other data prepared or obtained under the contract, if not

required to be provided, shall be made available, upon request, to the City without restriction or limitation on their use.

#### **D. Work Flow Methodology for Plan Checking Services**

- Review for completeness of submittals.
- Document submittal deficiencies and advise the City as necessary.
- Plan checker and engineer will conduct a site review concurrently with the initial plan check to ensure that the design appropriately reflects existing conditions.
- The Consultant is to check for conformance to the following:
  - General plan, including water, sewer and storm drain master plans.
  - City ordinances and specific plans Subdivision Map Act
  - Conditions of approval.
  - Development services standards per the City's ordinance.
  - Other agency requirements such as Imperial Irrigation District, County of Imperial, and Department of Transportation (Caltrans) Standards
- Check general mathematics and design criteria and standards of design practice.
- The Consultant is to call for redesign of any portion of plans that:
  - Will be potentially unsafe to the public.
  - Will not function due to poor engineering.
  - Are inconsistent with the conditions of approval or other local or applicable (local, State, Federal) ordinance or standards.
  - Are impractical to construct.
  - Do not meet the minimum acceptable design standards of engineering practice.
- Identify any additional reference materials required of the applicant for a thorough design or plan check such as related offsite improvement plans, studies or reports.

#### **E. Task Sequencing for Scope**

TASK 1 - Review Existing Documentation, Kick-Off Meeting.

- Review existing policies, procedures, guidelines and documents from City.
- Participate in a field review meeting with the City.
- Participate in a kick off meeting with the City and review project goals, scope and workflow methodology. Introduce key staff. Review responsibilities of both the Consultant and the City.

TASK 2 - Initiate and Prepare Design Plans or Plan Checks.

- Review and coordinate design plans or plan checks as needed.
- Prepare design plans or plan check responses to the City for review and dissemination to clients.

TASK 3 - Prepare Plans, Specifications, Estimates, Engineering Reports & other Services.

- Provide professional civil engineering design services on-call, as needed, and as requesting in writing by the City.

#### TASK 4 - Billing and Invoicing.

- Submit invoices monthly with detailed accounting of staff hours attributed to specific design plans and plan checks. Include accounting of specific project billings or the City billings to client.

#### **IV. Requirements**

Each firm shall meet the following requirements:

- The firm must have project managers with a minimum of five (5) years of experience providing improvement design, plan and map checking services to municipalities of similar size and complexity with individual engineers having a minimum of three (3) years of relevant experience. Specifically, experience should include, but not be limited to, parcel, tract and final map checking, traverse calculations, engineering improvement plans and studies of all types including but not limited to drainage studies, storm drain, sewer and roadway improvement plans, grading plans, erosion control, National Pollution Discharge Elimination System compliance, Imperial County Air Pollution Control District compliance, easement and right-of-way documents, lot line adjustments, certificates of compliance, title reports, soils reports, hydrologic studies, construction cost estimates, familiarity with designing projects for and obtaining permits from Caltrans, County of Imperial, Imperial Irrigation District, and other associated local and state utility companies as required, etc.
- The ability to provide surveying of all types and perform inspection of developer off-site improvements and inspection on the City's construction contracts.
- Key representatives from the firm must attend monthly meetings (more frequently if required) with the City's staff to evaluate performance of their services.
- A maximum review time for initial plan checks of fourteen (14) calendar days inclusive of transit time from and to the City's office, located at 608 Heber Avenue, Calexico, CA 92231. Each subsequent plan check, if necessary, shall not require more than eight (8) calendar days, inclusive of transit time.
- The firm shall not provide consulting services to private sector or public sector clients doing business within or proposing to do business within the City and simultaneously provide plan checking services to the City for client's projects, nor engage in activities that could be construed as a conflict of interest with this proposed contract.

#### **V. Proposal Content and Information**

Proposal should be typed, organized and concise yet comprehensive.

- Cover Letter

- Name, address and phone number of the person to be designated as the primary contact and the names of the key staff who shall be responsible for plan/map checking.
  - Any qualifying statements or comments regarding the Consultant's proposal or the information provided in the RFP. State the interpretation of the work to be performed. State a positive commitment to perform the work in the manner, time frame and a basic summary and understanding of the project.
  - If any subcontractors are utilized, the lead consultant must submit a description of the firm, the portion of work to be done and cost of each subcontractor.
  - The Consultant is representing itself as a qualified professional in plan checking and engineering services for government municipalities. Therefore, it is acceptable to submit recommendations and comments for consideration on format, process, schedule and additional content of this project. The City will consider comments and recommendations, however is not required to select any of the recommendations or comments.
- Include a table of contents with identification of material by section and page number
  - Statement of Qualifications and Experience
    - State whether the firm is local, regional, national or international
    - Identify the owner(s) of the firm and legal status (sole proprietor, corporation, etc.)
    - Give the location of the office from which work is anticipated to be done and the number of employees of the company.
    - Identify the qualifications and resumes of all individuals who will be associated with this service. Include professional registrations and affiliations.
    - Summarize specific experience and qualifications for similar projects. Describe the services you performed such as studies, reports, etc. List at least three (3) references with telephone numbers, a listing of proposed project personnel, including personal experiences and resumes for prime and sub-consultants. Include a description of the professional capability, project experience, education, training and present office location. Provide specific examples of appropriate experience that qualify them for their responsibilities, including licensing as a professional engineer/land surveyor in the State of California.
    - Provide a list of specific examples of appropriate experience, including the size and scope of work completed and any relevant past or on-going work. Include the names, addresses and telephone numbers for your past and current clients who have contracted with your firm for similar services during the last five (5) years.
    - Provide a summary of litigation history for the firm for the last fifteen (15) years.
  - Analysis of Effort/Methodology
    - Describe the approach for how the work will be performed. The proposal shall indicate and specific techniques or methodology to be utilized.
    - The proposal shall include a project timeline with specific tasks envisioned for the Project.
    - Indicate what participation, data and products will be requested from the City.

## **VI. Selection Criteria**

A sample proposal evaluation form is attached for your information (Appendix A).

- Responsiveness to RFP. Does the proposal meet all the requirements in this RFP?
- Competency and experience of consultant staff assigned to manage and to perform the plan check and engineering services identified herein.
- Ability to meet the review timeline/schedule identified herein.
- Completeness of the proposal.
- Demonstrated recent experience with similar cities.
- Litigation history- errors and omissions
- Willingness to accept the terms and conditions of the City's "Agreement for Professional Services" (minor modification may be permitted) attached as Appendix B.

## **VII. Selection Process**

- Proposals will be reviewed by the selection committee.
- The selection committee will rank the consultants based on the materials submitted.
- Top ranked firms will be chosen to interview.
- A minimum of two (2) firms will be chosen.
- The recommendation of the selection committee will be taken to City Council.

The selection committee will determine if qualifications are met.

The City reserves the right to reject any and all proposals submitted and/or request additional information for clarification.

A pre-proposal conference has not been scheduled for this RFP.

Clarification desired by a respondent relating to definition or interpretation shall be requested in writing with sufficient time to allow for a response and prior to the date RFPs are due. Oral explanation or instructions shall not be considered binding on behalf of the City.

Any modifications to this solicitation will be issued by the City as a written addendum.

The City will not consider proposals received after the specified time and date. An amendment is considered a new proposal and will not be accepted after the specified time and date.

Any contract resulting from this RFP will be financed with funds available to the City from private development projects and/or local funds.

This RFP does not commit the City to award a contract or pay any costs associated with the preparation of a proposal. The City reserves the right to cancel, in part or in its entirety, this solicitation should this be in the best interest of the City.

Questions concerning this proposal should be directed to the Office of the City Manager at (760) 768-2110, Fax (760) 760/357-3831 or via electronic mail to [nfl@calexico.ca.gov](mailto:nfl@calexico.ca.gov).

### **VIII. Responsibilities of the City**

The City will direct the development of individual project plan checks and engineering services in writing, provide management oversight, coordinate with clients as needed and conduct administrative arrangements.

The City will pay an agreed upon amount normally within thirty (30) days after receipt of an invoice(s).

The City will not be able to provide dedicated workspace facilities, i.e. office space.

The City reserves the right to perform any portion of the scope of work with City personnel and/or by other consultants.

The City shall furnish all applicable policies, procedures and reference materials that represent the City's minimum requirements for plan checking and engineering services.

The City shall furnish the Consultant all necessary submittal items for plan check and engineering services by the Consultant with special instructions.

### **IX. Requested Submittal**

An original and three (3) copies along with one (1) electronic copy (CD) of the proposal must be received prior to 2:00 p.m. on January 28, 2016 at

City of Calexico  
Office of the City Clerk  
608 Heber Avenue  
Calexico, CA 92231

The proposals shall be enclosed in a sealed envelope and be plainly marked in the upper left hand corner with the name and address of the bidder and bear the following:

On-Call Engineering and Plan Check Services Proposal  
January 28, 2016  
2:00 p.m.

**X. Sealed Fee Schedule**

Develop costs and fees for the services based on hourly rates of staff equivalent to the City plan checking staff positions. Provide a clear breakdown of these costs by phase including staff or by item, by hour. List all professional services expenses anticipated including insurance, printing, communications and travel. Costs and fees are to be submitted in a separate sealed envelope. Cost should be based hourly rates of plan checking staff, including clerical positions. Such hourly rates should be fully burdened or loaded, including full compensation for all overhead and profit. Billing rates shall include provision for normal supplies and materials, in-house reproduction services and local travel costs.

In addition to the above fee schedule, the City is considering having Plans Checked on a "Cost per Sheet" basis. Therefore submit a fee based on "Cost per Sheet."

Submit itemized hourly fee schedule for additional services beyond the scope of work.

Costs and fees must be provided within a separate sealed envelope within the submittal of the proposal and marked as follows:

Sealed Fee Schedule  
City of Calexico  
On-Call Engineering and Plan Check Services Proposal  
January 28, 2016

**XI. Staffing Minimum Requirements**

All work shall be performed under the direction of a licensed engineer, architect or land surveyor registered with the State of California.

**APPENDIX A  
SAMPLE  
PROPOSAL EVALUATION FORM**

<b>DATE:</b>	
<b>EVALUATOR:</b>	
<b>FIRM:</b>	
<b>PROJECT:</b>	

**RATING POINTS:**

5 = Excellent      4 = Good      3 = Above Average      2 = Average  
 1 = Below Average      0 = Unresponsive

	<b>CRITERIA</b>	<b>WEIGHT FACTOR RATING</b>	<b>TOTAL WEIGHTED RATING</b>
<b>A.</b>	Technical approach		30%
	Responsiveness & understanding of work to be	15%	
	Experience with similar work	15%	
<b>B.</b>	Costs		5%
<b>C.</b>	Project management		35%
	Qualifications	20%	
	Organization & quality of staffing & local Imperial Valley Office	15%	
<b>D.</b>	References		5%
<b>E.</b>	Demonstrated DBE Intent		5%
<b>F.</b>	Familiarity with State and Federal procedures		10%
<b>G.</b>	Litigation History – Errors and Omission		10%

**COMMENTS:**

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## APPENDIX B

### AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Calexico ("City") and \_\_\_\_\_ ("Consultant").

#### RECITALS

- A. Consultant is specially trained, experienced and competent to perform the special services which will be required by this Agreement; and
- B. Consultant possesses the skill, experience, ability, background, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein.

#### AGREEMENT

1. Scope of Services. The Consultant shall furnish the following services in a professional manner. Consultant shall perform the services described on Exhibit A which is attached hereto and incorporated herein by reference. Consultant shall provide said services at the time, place, and in the manner specified in Exhibit A, subject to the direction of the City through its staff that it may provide from time to time.
2. Time of Performance. The services of Consultant are to commence upon execution of this Agreement and shall continue until all authorized work is approved by the City. All such work shall be completed no later than \_\_\_\_\_, 2018. Time is of the essence for every provision of this agreement that states a time for performance and for every deadline imposed by the City.
3. Compensation. Compensation to be paid to Consultant shall be as set forth in Exhibit B, which is attached hereto and incorporated herein by reference. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.
4. Method of Payment. Consultant shall submit monthly billings to City describing the work performed during the preceding month. Consultant's bills shall include a brief description of the services performed, the date the services were performed, the number of hours spent and by whom, and a description of any reimbursable expenditures. City shall pay Consultant no later than 30 days after approval of the monthly invoice by City staff.
5. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City

shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents and other writings to City upon written request.

6. Independent Contractor. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and shall not act as an agent or employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.
7. Interest of Consultant. Consultant (including principals, associates and professional employees) covenants and represents that it does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the area covered by and during this Agreement or any other source of income, interest in real property or investment which would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Agreement.

Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

- a. will conduct research and arrive at conclusions with respect to his/her rendition of information, advice, recommendation or counsel independent of the control and direction of the City or of any City official, other than normal agreement monitoring; and
  - b. possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation or counsel. (FPPC Reg. 18700(a)(2).)
8. Professional Ability of Consultant. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. Consultant shall therefore provide properly skilled professional and technical personnel to perform all services under this Agreement. All work performed by Consultant under this Agreement shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.
  9. Indemnity. Consultant agrees to indemnify, including the cost to defend, the City, and its officers, agents and employees from any and all claims, demands, costs or liability that arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant and its agents in the performance of services under this contract. This indemnity does not apply to liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the sole negligence, willful misconduct or defects in design by the City or its agents, servants, or independent contractors who are directly responsible to the City, or the active negligence of the City.

To the fullest extent permitted by law, the Consultant shall (1) immediately defend and (2) indemnify the City, and its councilmembers, officers, agents, and employees from and against all liabilities regardless of nature or type that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, or its employees, agents, or subcontractors. Liabilities subject to the duties to defend and indemnify include, without limitation, all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. The Consultant's obligation to indemnify applies unless it is finally adjudicated that the liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, then Consultant's indemnification obligation shall be reduced in proportion to the established comparative liability.

- (b) The duty to defend is a separate and distinct obligation from Consultant's duty to indemnify. Consultant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by the City, the City and its councilmembers, officers, agents, and employees, immediately upon tender to Consultant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination that persons other than Consultant are responsible for the claim does not relieve Consultant from its separate and distinct obligation to defend under this section. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Consultant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the comparative active negligence or willful misconduct of an indemnified party, Consultant may submit a claim to the City for reimbursement of reasonable attorneys' fees and defense costs in proportion to the established comparative liability of the indemnified party.
- (c) The review, acceptance or approval of the City's work or work product by any indemnified party shall not affect, relieve or reduce the City's indemnification or defense obligations. This Section survives completion of the services or the termination of this contract. The provisions of this Section are not limited by and do not affect the provisions of this contract relating to insurance.

#### 10. Insurance Requirements.

- a. Consultant, at Consultant's own cost and expense, shall procure and maintain, for the duration of the contract, the following insurance policies.
  - i. Workers' Compensation Coverage. Consultant shall maintain Workers' Compensation Insurance and Employer's Liability Insurance for his/her employees in accordance with the laws of the State of California. In addition,

Consultant shall require each subcontractor to similarly maintain Workers' Compensation Insurance and Employer's Liability Insurance in accordance with the laws of the State of California for all of the subcontractor's employees. Any notice of cancellation or non-renewal of all Workers' Compensation policies must be received by the City at least thirty (30) days prior to such change. The insurer shall agree to waive all rights of subrogation against City, its officers, agents, employees and volunteers for losses arising from work performed by Consultant for City. This provision shall not apply if Consultant has no employees performing work under this Agreement. If the Consultant has no employees for the purposes of this Agreement, Consultant shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto as Exhibit C.

ii. General Liability Coverage. Consultant shall maintain commercial general liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage. If a commercial general liability insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.

iii. Automobile Liability Coverage. Consultant shall maintain automobile liability insurance covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with the work to be performed under this Agreement, including coverage for owned, hired and non-owned vehicles, in an amount of not less than one million dollars (\$1,000,000) combined single limit for each occurrence.

iv. Errors and Omissions Liability. Consultant shall maintain errors and omissions liability insurance for all work performed under this Agreement in an amount of not less than one million dollars (\$1,000,000).

b. Policy Endorsements. Each general liability and automobile liability insurance policy shall be with insurers possessing a Best's rating of no less than A:VII and shall be endorsed with the following specific language:

i. The City of Calexico, its elected or appointed officers, officials, employees, agents and volunteers are to be covered as additional insureds with respect to liability arising out of work performed by or on behalf of the Consultant, including materials, parts or equipment furnished in connection with such work or operations.

ii. This policy shall be considered primary insurance as respects the City, its elected or appointed officers, officials, employees, agents and volunteers. Any insurance maintained by the City, including any self-insured retention the City

may have, shall be considered excess insurance only and shall not contribute with it.

iii. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.

iv. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected or appointed officers, officials, employees, agents or volunteers.

v. The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days written notice has been received by the City.

c. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retentions.

d. Certificates of Insurance and Endorsements. Consultant shall provide certificates of insurance with original endorsements to City as evidence of the insurance coverage required herein. Certificates of such insurance shall be filed with the City on or before commencement of performance of this Agreement. Current certification of insurance shall be kept on file with the City at all times during the term of this Agreement.

11. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.

12. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of Consultant to practice its profession. Consultant shall obtain a City of Calexico Business License.

13. Controlling Law Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Imperial, California.

14. Written Notification. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other party shall be in writing and either served personally or sent prepaid, first class mail. Any such notice, demand, etc. shall be addressed to the other party at the address set forth herein below. Either party



18. Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder.
19. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.
20. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Agreement will be permitted only with the express consent of the City. Consultant shall not subcontract any portion of the work to be performed under this Agreement without the written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise is required by law.
21. Termination. This Agreement may be terminated by the City immediately for cause or by either party without cause upon fifteen days' written notice of termination. Upon termination, Consultant shall be entitled to compensation for services performed up to the effective date of termination.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF CALEXICO:

CONSULTANT:

\_\_\_\_\_  
 Nick Fenley  
 Acting City Manager

\_\_\_\_\_

APPROVED AS TO FORM:

ATTEST:

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

\_\_\_\_\_  
 Gabriela Garcia  
 Deputy City Clerk

**EXHIBIT A**

**SCOPE OF SERVICES**

(to be filled in by Consultant)

**EXHIBIT B**

**SCHEDULE OF CHARGES**

(to be filled in by Consultant)

**EXHIBIT C**

**CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE**

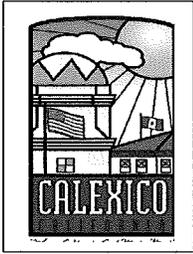
I hereby certify that in the performance of the work for which this Agreement is entered into, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of the State of California.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_, California.

\_\_\_\_\_  
Consultant

**AGENDA  
ITEM**

**12**



# AGENDA STAFF REPORT

**DATE:** February 16, 2016

**TO:** Mayor and City Council

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

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

**SUBJECT:** Discussion on Tent Sales in the City of Calexico

=====

**Background:**

Item requested by Council Member Moreno at meeting of February 2, 2016 to discuss Car Tent Sales in the City of Calexico.

**Discussion & Analysis:**

None.

**Fiscal Impact:**

None.

**Coordinated With:**

None.

**Attachment:**

1. Staff Report for November 15, 2011.
2. Staff Report for January 24, 2012 re: Interim Ordinance enacting an Urgency Measure Prohibiting Off-Site Display and Sale of Automobiles in the City during a Special Study Period of 45 days.
3. Interim Ordinance No. 1139 adopted on January 12, 2012.
4. Minutes for January 12, 2012 on Ordinance No. 1139.

<p><b>AGENDA ITEM</b></p> <p><b>12</b></p>
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**FOR CLERK USE ONLY**  
 City Council  
 Item No. 13

## CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA FACT SHEET

Administration

November 15, 2011

Department \_\_\_\_\_

Requested Date \_\_\_\_\_

**1. Request:**

Council/RDA Approval	<input checked="" type="checkbox"/>	Information Only/ Presentation	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>	Hearing	<input type="checkbox"/>

**2. Requested Action:**

Discussion regarding car tent sale as currently regulated by Calexico Municipal Code-Chapter 17.11 - Temporary Uses.

**3. Fiscal Impact:**

Revenue:	Increase	<input type="checkbox"/>	Source:	_____
	Decrease	<input type="checkbox"/>	Amount:	_____
Cost:	Increase	<input type="checkbox"/>	Source:	_____
	Decrease	<input type="checkbox"/>	Amount:	_____
	Does Not Apply	<input type="checkbox"/>		

**4. Reviewed By:**

Finance Dept. on \_\_\_\_\_ By: \_\_\_\_\_  
 Comments: \_\_\_\_\_

City Attorney on \_\_\_\_\_ By: \_\_\_\_\_  
 Comments: \_\_\_\_\_

*Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.*

**CLERK USE ONLY**

CITY COUNCIL DATE: \_\_\_\_\_

Action	<input type="checkbox"/>	Filing	<input type="checkbox"/>
Consent	<input type="checkbox"/>	Presentation	<input type="checkbox"/>
Hearing	<input type="checkbox"/>	Other(specify)	<input type="checkbox"/> _____

Reviewed by: City Clerk \_\_\_\_\_  
 Date \_\_\_\_\_

City Manager \_\_\_\_\_  
 Date \_\_\_\_\_

**Calexico, California, Code of Ordinances >> Title 17 - ZONING\* >> Chapter 17.11 - SPECIAL USES AND CONDITIONS >> Article I. - Temporary Uses >>**

**Article I. - Temporary Uses**

17.11.110 - Purpose.

17.11.120 - Temporary use regulations.

17.11.130 - Permits and bonds.

17.11.140 - Extension or modification of limitations.

17.11.150 - Condition of site following temporary usage.

17.11.160 - Fee.

**17.11.110- Purpose.**

The provisions of this article shall apply to the uses and conditions hereinafter enumerated. Where this section prescribes regulations more restrictive than the zone in which a use or conditional use is permitted, the provisions of this section shall apply.

Uses permitted subject to special temporary use permits are those temporary uses that are required for the proper functioning of the community or are temporarily required in the process of establishing a permitted use, or constructing a public facility. Such uses shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community.

*(1992 zoning ord. (part))*

*(Ord. No. 1085, § 1, 4-7-09)*

**17.11.120- Temporary use regulations.**

The provisions of this section shall be known as the temporary use regulations and shall provide regulations for the uses hereinafter enumerated. Where this section prescribes regulations more restrictive than the zone in which a use or conditional use is permitted, the provisions of this section shall apply. Temporary uses are subject to approval by the development services director, except as noted in Section 17.11.110.

- A. Circuses, carnivals, rodeos, parades or similar outdoor entertainment or enterprises, subject to not more than five calendar days of operation in any calendar year. Requests exceeding these time limitations will require the submittal and approval of a conditional use permit. Approval of such events shall require planning commission action.
- B. Christmas tree sales lots and Halloween pumpkin sales subject to not more than forty calendar days of site occupation and operation in any calendar year.
- C. Subdivision sales offices and model home complexes located within the subdivision, subject to the following minimum requirements:
  1. Offices shall be no closer than one vacant lot to an existing dwelling unit not part of the subdivision, trailers may be used for no more than ninety calendar days or until such time as the subdivision sales offices have been completed whichever is less;
  2. An A.C. paved parking lot shall be provided with sufficient parking spaces to accommodate said use;
  3. Offices shall be allowed for a maximum of two years or until ninety percent of the homes within the subdivision are sold whichever is less. Annual review for compliance with conditions of approval may be required;
  4. Faithful performance bonding in an amount appropriate to guarantee removal and/or conversion of the sales office and attendant facilities shall be required; and
  5. Other conditions that the director of planning deems necessary to assure that the sales office will not constitute a nuisance or be objectionable to the residential uses in the neighborhood.
- D. Religious, patriotic, historic, or similar displays or exhibits within yards, parking areas, or landscaped areas, subject to not more than eight calendar days of display in any calendar year.
- E.

Outdoor art and craft shows and exhibits, subject to not more than three calendar days of operation or exhibition in any sixty calendar day period.

- F. Contractors' offices and storage yards on the site of an active construction project.
- G. Mobilehome residences for security purposes on the site of an active construction project.
- H. Temporary outdoor display and sales of merchandise to the public in connection with an established business in the city and on the same property thereof or in a farmer's market/bazaar approved by the city located within commercially zoned properties not to exceed more than five calendar days in any sixty calendar days, unless approved by the city council for additional days, and subject to appropriate conditions of the development services department.
- I. Seasonal retail sale of agricultural products (fruit and vegetable stands) for periods of less than ninety days, if said products are raised on the premises.
- J. Temporary use of properly designed mobile trailer units for classrooms, offices, bands, etc. for periods not to exceed ninety days subject to planning department approval. Requests for such uses of more than ninety days in duration shall require the approval of a conditional use permit by the planning commission. Such units shall meet all necessary requirements of building, fire, and health codes.
- K. For any agricultural or animal husbandry activity or project (4-H, FFA, or similar) conducted for educational purposes or school credits, a permit may be granted in any district when the planning director determines that such use will not cause a public nuisance relative to sanitation and health conditions.
- L. Charitable or school sponsored drop-off bins for recycling of cans, newspapers, or similar items, for drop-off of clothes and small items. Bins shall be located in the parking lots of businesses within the C-H or C-N zones or other public or semi-public property on a temporary basis when written permission is granted by the property owner or business owner. Said bins shall be kept in a neat and orderly manner.
- M. Additional uses determined to be similar to the foregoing in the manner prescribed by Chapter 17.01 of the zoning code.

*(1992 zoning ord. (part))*

*(Ord. No. 1085, § 2, 4-7-09)*

#### **17.11.130- Permits and bonds.**

- A. All temporary uses shall be subject to the issuance of a temporary use permit by the planning director and other necessary permits and licenses, including but not limited to building permits, sign permits, and solicitors or vending licenses.
- B. In the issuance of such a permit, the planning director shall indicate the permitted hours of operation and any other conditions, such as walls or fences and lighting, which are deemed necessary to reduce possible detrimental effects to surrounding developments and to protect the public health, safety, and welfare.
- C. Prior to the issuance of a permit for a temporary use, except those listed under C, F, G, K and L of Section 17.11.120, a cash deposit may be required to be deposited with the city. This cash deposit shall be used to defray the costs of clean-up of the property by the city in the event the permittee fails to do same.

*(1992 zoning ord. (part))*

#### **17.11.140- Extension or modification of limitations.**

Upon written application, the planning director may extend the time within which temporary uses may be operated, or may modify the limitations under which such uses may be conducted if the planning director determines that such extension or modification is in accord with the purposes of the zoning regulation.

*(1992 zoning ord. (part))*

#### **17.11.150- Condition of site following temporary usage.**

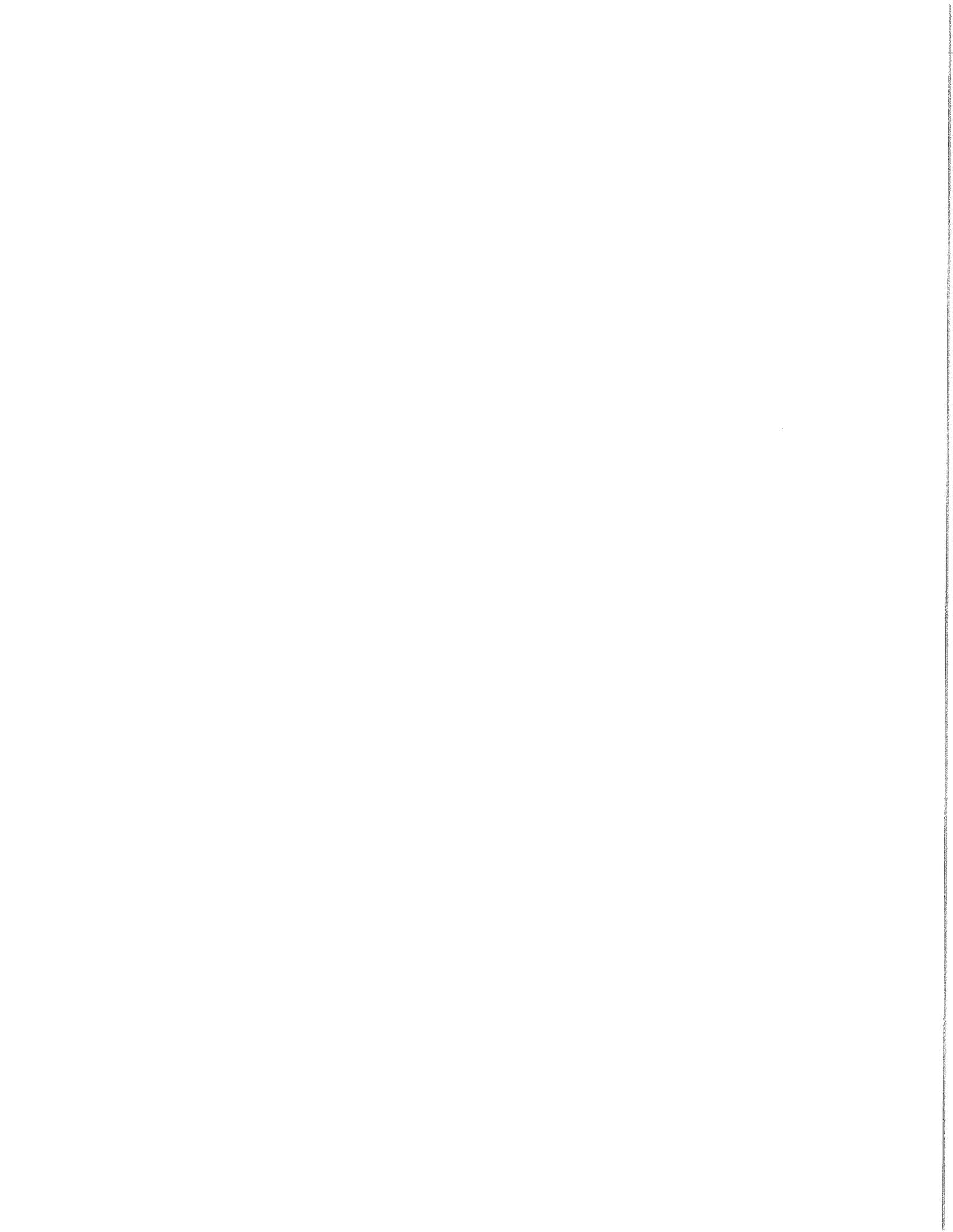
Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used only in accord with the provisions of the zoning regulations.

*(1992 zoning ord. (part))*

#### **17.11.160- Fee.**

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of processing the application prescribed in this section. This fee may be waived by the approving authority for charitable groups that do not need any public services.

(1992 zoning ord. (part))





**FOR CLERK USE ONLY**

City Council  
Item No. 13

## CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA FACT SHEET

Administration \_\_\_\_\_  
Department \_\_\_\_\_

January 24, 2012  
Requested Date \_\_\_\_\_

**1. Request:**

Council/RDA Approval <input type="checkbox"/>	Information Only/ Presentation <input type="checkbox"/>
Other (specify) <input checked="" type="checkbox"/>	Hearing <input type="checkbox"/>

**2. Requested Action:**

Consider adoption of an ordinance enacting an urgency measure prohibiting off-site display and sale of automobiles in the city during a special study period of 45 days.

**3. Fiscal Impact:**

Revenue:	Increase <input type="checkbox"/>	Source: _____	
	Decrease <input type="checkbox"/>	Amount: _____	
Cost:	Increase <input type="checkbox"/>	Source: _____	
	Decrease <input type="checkbox"/>	Amount: _____	
	Does Not Apply <input type="checkbox"/>		

**4. Reviewed By:**

Finance Dept. on \_\_\_\_\_ By: \_\_\_\_\_  
Comments: \_\_\_\_\_

City Attorney on \_\_\_\_\_ By: \_\_\_\_\_  
Comments: \_\_\_\_\_

*Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.*

**CLERK USE ONLY**

**CITY COUNCIL DATE:**

Action <input type="checkbox"/>	Filing <input type="checkbox"/>
Consent <input type="checkbox"/>	Presentation <input type="checkbox"/>
Hearing <input type="checkbox"/>	Other(specify) <input type="checkbox"/> _____

Reviewed by: City Clerk \_\_\_\_\_  
Date \_\_\_\_\_

City Manager \_\_\_\_\_  
Date \_\_\_\_\_

## **CITY COUNCIL AGENDA REPORT**

**SUBJECT: AN INTERIM ORDINANCE ENACTING AN URGENCY MEASURE PROHIBITING OFF-SITE DISPLAY AND SALE OF AUTOMOBILES IN THE CITY DURING A SPECIAL STUDY PERIOD FOR 45 DAYS.**

**AGENDA DATE:** January 24, 2012

**PREPARED BY:** Oscar Rodriquez, City Manager

**APPROVED FOR AGENDA BY:** Oscar Rodriquez, City Manager

**RECOMMENDATION:** Consider adoption of the Ordinance. Approval of this Ordinance requires a four-fifths vote.

**FISCAL IMPACT:** None.

**BACKGROUND INFORMATION: (Prior action/information):**

On November 15, 2011, the City Council considered the possibility of amending City regulations contained in Title 17 of the Calexico Municipal Code concerning the display and sale of automobiles. At this meeting, the City Council discussed public health, safety and welfare concerns on this topic, and the Council expressed its support of adopting an ordinance prohibiting the off-site display and sale of automobiles in Calexico.

In light of the Council's direction, staff has begun studying the Council's zoning proposal, and currently is processing a permanent zoning ordinance amendment, which must be finalized, and then brought to both the Planning Commission and the City Council before it can be considered and can take effect. Staff is scheduled to report to the City Council on its study of this zoning proposal in writing before the expiration of this proposed urgency ordinance.

After the November 15, 2011 meeting, the city received an application from an interested party seeking to conduct a "tent sale" event, featuring the off-site display and sale of a large amount of automobiles to the general public at a single location in the City. Because the City needs time to fully evaluate the effects of these temporary activities in a manner that will protect the general public, homes and businesses adjacent to and near locations where such activities could conceivably occur, staff believes that a moratorium would be the best approach at this point. Moreover, staff thought it was appropriate to bring this urgency ordinance for the City Council's consideration after hearing the

Council's concerns regarding the public health, safety and welfare effects of this type of activity.

The contemplated urgency ordinance would establish a moratorium on the off-site display and sale of automobiles on both public and private property within the City of Calexico. It would not prohibit the display and sale at established businesses selling automobiles in the City. Moreover, if the urgency ordinance is adopted it would not prohibit private persons from offering for sale their personal automobile so long as they were not in violation of California Vehicle Code Section 22651.

**DISCUSSION (Current consideration):**

Many cities regulate the off-site display and sale of automobiles, and display and sales events, similar to "tent sales," based on public health, safety and welfare concerns in light of the primary and secondary effects associated with this activity. Specifically, it has been noted that these types of activities occurring around the state, including those previously taking place in Calexico, have a tendency to attract large crowds, which can be attributed to public safety concerns with regard to traffic and pedestrian safety, crime and the increased need of local public safety resources. Of equal importance, staff has noted that the off-site display and sale of automobiles, and "tent sale" events, are aesthetically displeasing and out of harmony with the character of the community so as to constitute visual blight.

Many in the business community worry that the off-site display and sale of automobiles, and in particular, "tent sale" events, have a negative effect on local businesses, including local automobile dealerships and other businesses located at or near the location of the activity.

Cities have the authority to regulate these types of activities pursuant to their police powers; this is why some cities have imposed detailed regulations regarding such activities. As part of its study on this zoning proposal, staff will be studying the regulations of other California cities with these types of enacted ordinances.

This interim, urgency ordinance would place a moratorium in effect immediately that would ban any off-site display and sale of automobiles (including off-site automobile sales events) in the City for 45 days so staff can start looking at how it wants to regulate these activities. If the City is not done studying what it wants to do, it can extend the moratorium for another 10 months and 15 days. If it still has not figured out what to do, it can extend the moratorium one last time, for one year. If the City takes all the time that it can, it will have a two-year moratorium on the off-site display and sale of automobiles.

If the City does not adopt the urgency ordinance, the potential ambiguity within the Calexico Municipal Code would remain and the clear prohibition against off-site automobile sales would not be in effect before the City is required to make a determination on the application of the interested party requesting to conduct an automobile sales event. Thus, as has occurred in the past, the community could be subject to another such event, including those primary and secondary effects of such activity discussed above.

An urgency ordinance is based on findings of immediate need to preserve the public peace, health or safety. The recommended ordinance contains such findings. Courts have consistently recognized the validity of urgency, interim moratorium ordinances for zoning matters. In addition, a city council may properly consider aesthetics as an element of the public health in making the findings required for an urgency ordinance.

In the case of off-site sales and displays of automobiles, the Council has received comments that such sales are in direct competition with established local businesses and can create an unfair business climate for local business owners, that there are numerous public safety concerns associated with those activities, and that these activities are aesthetically displeasing for the community.

Based on this, the City Council can find that off-site display and sale of automobiles causes unfair competition with established businesses selling automobiles in the City and is aesthetically displeasing. In addition, the City Council can make a legislative finding that the off-site sale and display of automobiles poses a distraction for drivers and a hazard to traffic and can pose numerous other public safety issues. Any of these grounds provides sufficient justification for the proposed urgency ordinance.

The moratorium is an urgency ordinance. It takes at least a 4/5 vote to pass, and it goes into effect right away. Staff believes it is necessary for the City to take its time to decide the right way to deal with this issue based on the unique character of the City of Calexico and in order to sufficiently protect the health and welfare of its residents. After receipt of a written report describing measures taken to alleviate the condition leading to the ordinance, the Council may after notice and a public hearing extend the ordinance one or more times. If this urgency ordinance is approved, staff will present a report on the matter at the February 21, 2012 Council meeting on the status.

#### Impact to the Community:

Enactment of the ordinance may have positive health and safety impacts in the City with regard to traffic and pedestrian safety, potential for crime and decreased need for public safety resources. Moreover, the prohibition of unattractive off-site automobile displays will not disturb the City's aesthetics.

Last, the support of established local automobile dealer business locations will add to the City's overall economic health.

Attachments:

1. Ordinance
2. Minutes and staff report from Council Meeting of November 15, 2011 re: off-site car tent sales

ORDINANCE NO. 2012-\_\_\_\_\_

**AN INTERIM ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF CALEXICO ENACTING AN URGENCY  
MEASURE PROHIBITING OFF-SITE DISPLAY AND  
SALE OF AUTOMOBILES IN THE CITY DURING A  
SPECIAL STUDY PERIOD FOR 45 DAYS**

**WHEREAS**, Government Code Section 65858 provides that a city council may, upon a four-fifths vote of its membership in order to protect the public health, safety and welfare, adopt an interim ordinance prohibiting any uses that conflict with a contemplated zoning proposal; and

**WHEREAS**, Government Code Section 65858 further provides that such an ordinance may be adopted without following the procedures otherwise required before adoption of a zoning ordinance, as an urgency ordinance effective upon adoption, and continuing in effect for forty-five days; and

**WHEREAS**, on November 15, 2011, the City Council considered the effects of the off-site display and sale of automobiles within the City of Calexico, including the off-site display and sale of automobiles at certain events referred to as "tent sales," at which large amounts of automobiles are made available for sale to members of the general public at a single location; and

**WHEREAS**, concerns were raised that the off-site display and sale of automobiles in the City, including the off-site display and sale of automobiles at "tent sales," results in direct competition with established automobile sales businesses in the City; creates an unfair business climate for local businesses; creates public safety concerns with regard to traffic and pedestrian safety; and is aesthetically displeasing for the City; and

**WHEREAS**, following this meeting and at the Council's direction, staff has begun studying a zoning proposal to prohibit the off-site display and sale of automobiles in the City of Calexico, prepared this emergency measure to temporarily prohibit such off-site sales, and has begun to process a zoning ordinance amending the applicable sections of Title 17 of the Calexico Municipal Code to prohibit such off-site sales; and

**WHEREAS**, Title 17 of the Calexico Municipal Code appears to prohibit the off-site display and sale of automobiles in the City of Calexico, however, it could be written with more clarity; moreover, Title 17 is not written in a manner that will protect the general public, homes and businesses adjacent to and near locations where such off-site sales could conceivably occur under the Code; and

**WHEREAS**, based on any ambiguities and the need for a clear regulatory program in the City of Calexico regarding the off-site display and sale of automobiles, it is reasonable to conclude that negative effects on the public health, safety, and welfare may occur in Calexico as a result of the off-site display and sale of automobiles and the lack of appropriate regulations governing the such; and

**WHEREAS**, the City Council notes that there is a history of off-site display and sale of automobiles within the City of Calexico at certain events referred to as "tent sales," which have occurred in the City on a relatively infrequent basis over the last few years; and

**WHEREAS**, the City has received an application to conduct a "tent sale," at which the applicant seeks to display and sell a large amount of automobiles to members of the general public at a single location in the City, and

**WHEREAS**, the Council finds off-site automobile sales in the City, particularly at "tent sales," may distract motorists or interfere with clear vision, and thereby adversely impact public safety; and

**WHEREAS**, the Council finds off-site automobile sales in the City, particularly at "tent sales," may cause hazards to traffic and pedestrian safety posed by large crowds attending such events, and thereby additionally adversely impact public safety; and

**WHEREAS**, the Council finds off-site automobile sales in the City, particularly at "tent sales," may result in direct competition with established automobile sales businesses in the City and create an unfair business climate for local businesses; and

**WHEREAS**, the Council finds off-site automobile sales in the City, particularly at sales events referred to as "tent sales," are aesthetically displeasing and out of harmony with the character of the City so as to constitute visual blight; and

**WHEREAS**, based on the facts set out above, the City Council finds that there is a current and immediate threat to public health, safety or welfare, which may be addressed by enactment of an interim, urgency ordinance; and

**WHEREAS**, the case of Crown Motors v. City of Redding (1991) 282 Cal.App.3d 173, recognizes that the City Council may properly consider aesthetics as an element of the public health in making the findings required for an urgency ordinance; and

**WHEREAS**, the City Council further finds, based on the facts set out above, the approval of additional permits, variances, or any other applicable

entitlement for use which might be required in order to comply with the zoning ordinance to allow the off-site sale and display of automobiles in the City would result in a threat to public health, safety or welfare.

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

**SECTION 1. Findings and Determination.** The City Council ("Council") of the City of Calexico ("City") does hereby find and determine that:

- (a) The City, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote, preserve and protect the public health, safety, and general welfare of its citizens; and
- (b) Based on the recitals set forth above, which are hereby incorporated by reference, the Council finds that there is a current and immediate threat to public health, safety or welfare caused by the off-site display and sale of automobiles in the City, particularly at certain events referred to as "tent sales," at which large amounts of automobiles are made available for sale to members of the general public at a single location; and
- (c) Based on the recitals set forth above, which are hereby incorporated by reference, the Council finds that the City's existing land use and zoning regulations do not explain with sufficient clarity whether the off-site display and sale of automobiles is permitted in the City, fail to address the location and operation of this activity, and as a consequence do not adequately protect the health, safety, and general welfare of the citizens of Calexico from the actual and potential impacts arising from the off-site display and sale of automobiles in the City; and
- (d) Based on the recitals set forth above, which are hereby incorporated by reference, the Council finds that there is a need to study the potential options and effects of prohibiting and/or restricting the off-site display and sale of automobiles in the City, considering all available options ranging from banning such activities to determining appropriate location and operating requirements to address unintended or secondary consequences of this activity within the city limits; and
- (f) Based on the recitals set forth above, which are hereby incorporated by reference, the Council has determined that there is a current and immediate threat to the public health, safety, or general welfare of the City's citizens in allowing off-site display and

sale of automobiles in the City and that granting permits to those conducting such activities would result in a threat to public safety, health, and general welfare during the term of the study of additional regulations regarding the off-site display and sale of automobiles; and

- (g) Based on the recitals set forth above, which are hereby incorporated by reference, it is also hereby found that the public health need of the community is met by the immediate imposition of a moratorium on off-site display and sale of automobiles in the City since such displays and sales, and such "tent sale" events are aesthetically displeasing and out of harmony with the character of this community so as to constitute visual blight which reduces the quality of life within the community to the extent that the overall public health is detrimentally affected. Thus, in the event that such activities are allowed to be conducted in the City under current regulations, such would detrimentally affect the City's aesthetics and the public health of the City; and
- (h) The 45-day initial moratorium procedure authorized by Government Code section 65858 will allow for the necessary study of the effects of regulating off-site display and sale of automobiles in the City and of proposed regulatory measures, and therefore imposing a moratorium in order to provide time for study and review of the issues is required. The Council needs time to consider potential options for regulating off-site display and sale of automobiles in the City.

## **SECTION 2. Emergency Measures.**

- (a) No business licenses, use permits, or zoning approvals for any off-site display and sale of automobiles within the City, at any location, public or private, shall be approved, authorized, or granted, until such time as the City Council of the City of Calexico has conducted an appropriate study of the effect of the off-site display and sale of automobiles on the health, safety and welfare of the community, including its effect on the character of the City, on property values, density, and effective utilization of property in Calexico, and on the legality and wisdom of various regulatory approaches toward off-site display and sale of automobiles, which study is intended to occur within a reasonable time.
  - (1) "Off-site display and sale of automobiles" means displaying for purposes of sale or the selling of new or used motor vehicles by any person, business or organization within the City of Calexico at any location, public or private, other than the established place of

business for such person business or organization. Excluded from this definition are private persons who are selling a motor vehicle and are not in violation of California Vehicle Code Section 22651.9 with regard to the illegal display of a "for sale" vehicle.

- (b) Applications that have been submitted to the City requesting any applicable entitlement under the zoning ordinance to allow the off-site display and sale of automobiles, but which have not yet been granted or denied as of the effective date of this Interim Ordinance, shall be subject to this Interim Ordinance, and the City shall be under no obligation to process, review or grant such application.

**SECTION 3. Severability.** The City Council of the City of Calexico hereby declares that should any section, paragraph, sentence, phrase, term, or word of this Interim Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Interim Ordinance irrespective of any such portion declared invalid.

**SECTION 4. Effective Date; Expiration; Extension.** Pursuant to Government Code Section 65858, this interim ordinance is an urgency measure of the City Council of the City of Calexico and shall take effect immediately upon passage. This Interim Ordinance shall remain in force and effect for a period of forty-five (45) days from the date of passage of this Ordinance, and shall, thereafter, expire unless and until the City Council has extended this Interim Ordinance by a four-fifths (4/5) vote of the City Council prior to its expiration, all in accordance with Section 65858. The immediate effective date of this Interim Ordinance is necessary to preserve and protect the public health, safety, and welfare of the residents of the City of Calexico.

**PASSED, ADOPTED, AND APPROVED** by the City Council of the City of Calexico at the regular meeting this 24th day of January, 2012.

CITY OF CALEXICO CITY COUNCIL

---

Mayor

Lourdes  
Cordova  
City  
Clerk

APPROVED AS TO FORM:

---

Jennifer M. Lyon, City Attorney

STATE OF CALIFORNIA )  
CITY OF CALEXICO ) SS.  
COUNTY OF IMPERIAL )

I, Lourdes Cordova, City Clerk of the City of Calexico, and ex-officio Clerk of the City Council do hereby certify under the penalty of perjury, that the foregoing urgency Ordinance No. ; was adopted by the City Council at a meeting of said City Council held on the 24th day of January, 2012, and that it was so adopted by the following vote:

---

Lourdes Cordova, City  
Clerk

**ORDINANCE NO. 1139**

**AN INTERIM ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF CALEXICO ENACTING AN URGENCY  
MEASURE PROHIBITING OFF-SITE DISPLAY AND  
SALE OF AUTOMOBILES IN THE CITY DURING A  
SPECIAL STUDY PERIOD FOR 45 DAYS**

**WHEREAS**, Government Code Section 65858 provides that a city council may, upon a four-fifths vote of its membership in order to protect the public health, safety and welfare, adopt an interim ordinance prohibiting any uses that conflict with a contemplated zoning proposal; and

**WHEREAS**, Government Code Section 65858 further provides that such an ordinance may be adopted without following the procedures otherwise required before adoption of a zoning ordinance, as an urgency ordinance effective upon adoption, and continuing in effect for forty-five days; and

**WHEREAS**, on November 15, 2011, the City Council considered the effects of the off-site display and sale of automobiles within the City of Calexico, including the off-site display and sale of automobiles at certain events referred to as "tent sales," at which large amounts of automobiles are made available for sale to members of the general public at a single location; and

**WHEREAS**, concerns were raised that the off-site display and sale of automobiles in the City, including the off-site display and sale of automobiles at "tent sales," results in direct competition with established automobile sales businesses in the City; creates an unfair business climate for local businesses; creates public safety concerns with regard to traffic and pedestrian safety; and is aesthetically displeasing for the City; and

**WHEREAS**, following this meeting and at the Council's direction, staff has begun studying a zoning proposal to prohibit the off-site display and sale of automobiles in the City of Calexico, prepared this emergency measure to temporarily prohibit such off-site sales, and has begun to process a zoning ordinance amending the applicable sections of Title 17 of the Calexico Municipal Code to prohibit such off-site sales; and

**WHEREAS**, Title 17 of the Calexico Municipal Code appears to prohibit the off-site display and sale of automobiles in the City of Calexico, however, it could be written with more clarity; moreover, Title 17 is not written in a manner that will protect the general public, homes and businesses adjacent to and near locations where such off-site sales could conceivably occur under the Code; and

**WHEREAS**, based on any ambiguities and the need for a clear regulatory program in the City of Calexico regarding the off-site display and sale of automobiles, it is reasonable to conclude that negative effects on the public health, safety, and welfare may occur in Calexico as a result of the off-site display and sale of automobiles and the lack of appropriate regulations governing the such; and

**WHEREAS**, the City Council notes that there is a history of off-site display and sale of automobiles within the City of Calexico at certain events referred to as "tent sales," which have occurred in the City on a relatively infrequent basis over the last few years; and

**WHEREAS**, the City has received an application to conduct a "tent sale," at which the applicant seeks to display and sell a large amount of automobiles to members of the general public at a single location in the City, and

**WHEREAS**, the Council finds off-site automobile sales in the City, particularly at "tent sales," may distract motorists or interfere with clear vision, and thereby adversely impact public safety; and

**WHEREAS**, the Council finds off-site automobile sales in the City, particularly at "tent sales," may cause hazards to traffic and pedestrian safety posed by large crowds attending such events, and thereby additionally adversely impact public safety; and

**WHEREAS**, the Council finds off-site automobile sales in the City, particularly at "tent sales," may result in direct competition with established automobile sales businesses in the City and create an unfair business climate for local businesses; and

**WHEREAS**, the Council finds off-site automobile sales in the City, particularly at sales events referred to as "tent sales," are aesthetically displeasing and out of harmony with the character of the City so as to constitute visual blight; and

**WHEREAS**, based on the facts set out above, the City Council finds that there is a current and immediate threat to public health, safety or welfare, which may be addressed by enactment of an interim, urgency ordinance; and

**WHEREAS**, the case of Crown Motors v. City of Redding (1991) 282 Cal.App.3d 173, recognizes that the City Council may properly consider aesthetics as an element of the public health in making the findings required for an urgency ordinance; and

**WHEREAS**, the City Council further finds, based on the facts set out above, the approval of additional permits, variances, or any other applicable

entitlement for use which might be required in order to comply with the zoning ordinance to allow the off-site sale and display of automobiles in the City would result in a threat to public health, safety or welfare.

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

**SECTION 1. Findings and Determination.** The City Council ("Council") of the City of Calexico ("City") does hereby find and determine that:

- (a) The City, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote, preserve and protect the public health, safety, and general welfare of its citizens; and
- (b) Based on the recitals set forth above, which are hereby incorporated by reference, the Council finds that there is a current and immediate threat to public health, safety or welfare caused by the off-site display and sale of automobiles in the City, particularly at certain events referred to as "tent sales," at which large amounts of automobiles are made available for sale to members of the general public at a single location; and
- (c) Based on the recitals set forth above, which are hereby incorporated by reference, the Council finds that the City's existing land use and zoning regulations do not explain with sufficient clarity whether the off-site display and sale of automobiles is permitted in the City, fail to address the location and operation of this activity, and as a consequence do not adequately protect the health, safety, and general welfare of the citizens of Calexico from the actual and potential impacts arising from the off-site display and sale of automobiles in the City; and
- (d) Based on the recitals set forth above, which are hereby incorporated by reference, the Council finds that there is a need to study the potential options and effects of prohibiting and/or restricting the off-site display and sale of automobiles in the City, considering all available options ranging from banning such activities to determining appropriate location and operating requirements to address unintended or secondary consequences of this activity within the city limits; and
- (f) Based on the recitals set forth above, which are hereby incorporated by reference, the Council has determined that there is a current and immediate threat to the public health, safety, or general welfare of the City's citizens in allowing off-site display and

sale of automobiles in the City and that granting permits to those conducting such activities would result in a threat to public safety, health, and general welfare during the term of the study of additional regulations regarding the off-site display and sale of automobiles; and

- (g) Based on the recitals set forth above, which are hereby incorporated by reference, it is also hereby found that the public health need of the community is met by the immediate imposition of a moratorium on off-site display and sale of automobiles in the City since such displays and sales, and such "tent sale" events are aesthetically displeasing and out of harmony with the character of this community so as to constitute visual blight which reduces the quality of life within the community to the extent that the overall public health is detrimentally affected. Thus, in the event that such activities are allowed to be conducted in the City under current regulations, such would detrimentally affect the City's aesthetics and the public health of the City; and
- (h) The 45-day initial moratorium procedure authorized by Government Code section 65858 will allow for the necessary study of the effects of regulating off-site display and sale of automobiles in the City and of proposed regulatory measures, and therefore imposing a moratorium in order to provide time for study and review of the issues is required. The Council needs time to consider potential options for regulating off-site display and sale of automobiles in the City.

## **SECTION 2. Emergency Measures.**

- (a) No business licenses, use permits, or zoning approvals for any off-site display and sale of automobiles within the City, at any location, public or private, shall be approved, authorized, or granted, until such time as the City Council of the City of Calexico has conducted an appropriate study of the effect of the off-site display and sale of automobiles on the health, safety and welfare of the community, including its effect on the character of the City, on property values, density, and effective utilization of property in Calexico, and on the legality and wisdom of various regulatory approaches toward off-site display and sale of automobiles, which study is intended to occur within a reasonable time.
  - (1) "Off-site display and sale of automobiles" means displaying for purposes of sale or the selling of new or used motor vehicles by any person, business or organization within the City of Calexico at any location, public or private, other than the established place of

business for such person business or organization. Excluded from this definition are private persons who are selling a motor vehicle and are not in violation of California Vehicle Code Section 22651.9 with regard to the illegal display of a "for sale" vehicle.

- (b) Applications that have been submitted to the City requesting any applicable entitlement under the zoning ordinance to allow the off-site display and sale of automobiles, but which have not yet been granted or denied as of the effective date of this Interim Ordinance, shall be subject to this Interim Ordinance, and the City shall be under no obligation to process, review or grant such application.

**SECTION 3. Severability.** The City Council of the City of Calexico hereby declares that should any section, paragraph, sentence, phrase, term, or word of this Interim Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Interim Ordinance irrespective of any such portion declared invalid.

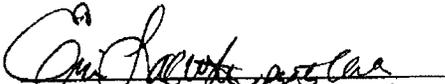
**SECTION 4. Effective Date; Expiration; Extension.** Pursuant to Government Code Section 65858, this interim ordinance is an urgency measure of the City Council of the City of Calexico and shall take effect immediately upon passage. This Interim Ordinance shall remain in force and effect for a period of forty-five (45) days from the date of passage of this Ordinance, and shall, thereafter, expire unless and until the City Council has extended this Interim Ordinance by a four-fifths (4/5) vote of the City Council prior to its expiration, all in accordance with Section 65858. The immediate effective date of this Interim Ordinance is necessary to preserve and protect the public health, safety, and welfare of the residents of the City of Calexico.

**PASSED, ADOPTED, AND APPROVED** by the City Council of the City of Calexico at the regular meeting this 24th day of January, 2012.

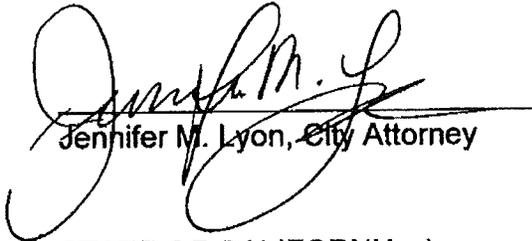
CITY OF CALEXICO CITY COUNCIL

  
Daniel F. Romero, Mayor

Attest:

  
for Lourdes Cordova, City Clerk

APPROVED AS TO FORM:

  
Jennifer M. Lyon, City Attorney

STATE OF CALIFORNIA )  
CITY OF CALEXICO ) SS.  
COUNTY OF IMPERIAL )

I, Lourdes Cordova, City Clerk of the City of Calexico, and ex-officio Clerk of the City Council do hereby certify under the penalty of perjury, that the foregoing urgency Ordinance No. 1139, was adopted by the City Council at a meeting of said City Council held on the 24th day of January, 2012, and that it was so adopted by the following vote:

  
for Lourdes Cordova, City Clerk



**PUBLIC COMMENTS.**

Mr. David Jimenez, IV Venom Fastpitch Softball Team introduced the ladies in the 14 and under division. They are here to appreciate the Council's support. These young ladies will represent the City in the World Series competition. Mayor Romero advised Mr. Jimenez to contact the Recreation Department and the Chamber of Commerce.

Mr. Ricardo "Caldi" Servin asked Mr. Jimenez to attend a meeting of the Calexico Bandits and perhaps they can give them a donation.

**CONSENT AGENDA.**

A motion was made by Mayor Pro Tem Hurtado, seconded by Councilman Moreno and passed unanimously to approve the Consent Agenda consisting of the following: Approved City Council/RDA minutes of January 10, 2012; adopted ADA Grievance policy; Adopted resolution of the City Council making a declaration pursuant to AB 936 with respect to matters of forgiveness of loans, or other indebtedness of the community redevelopment agency of the City of Calexico; Adopted resolution authorizing the filing of an application for the Sustainable Communities Grant; Adopted Budget Amendment Resolution to provide additional services to Seniors for 2011-12; Adopted Budget Amendment Resolution to implement Family Place Grant received from the California State Library in the amount of \$15,000; Approved Amendment No. 3 to the Payment Agency Collection Agreement with California Super Market to terminate services at 363 W. Second Street location only; Authorized Director of General Services to sign Change Order No. 2 with Republic ITS for additional work associated with the Solar Street Light Replacement Project; Acknowledge receipt of Business Improvement District minutes for November 9, 2011 and November 15, 2011.

**APPROVAL OF ANNUAL REPORT OF DEVELOPMENT IMPACT FEES FOR THE FISCAL YEAR ENDED JUNE 30, 2011 AND RESOLUTION ADOPTING THIS REPORT AND MAKING CERTAIN FINDINGS RELATED TO THIS REPORT.**

Councilman Castro requested more information on uncollected funds.

A motion was made by Councilman Castro, seconded by Councilman Hodge and passed unanimously to approve the annual report of development impact fees for the fiscal year ended June 30, 2011 and resolution adopting this report and making certain findings related to this report.

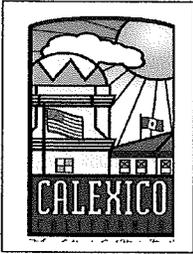
**\* ADOPT AN INTERIM ORDINANCE ENACTING AN URGENCY MEASURE PROHIBITING OFF-SITE DISPLAY AND SALE OF AUTOMOBILES IN THE CITY DURING A SPECIAL STUDY PERIOD OF 45 DAYS.**

A motion was made by Councilman Moreno, seconded by Mayor Romero and passed unanimously to adopt an interim ordinance enacting an urgency measure prohibiting off-site display and sale of automobiles in the city during a special study period of 45 days.

Councilman Moreno stated he has been approached by several auto agencies stating these type of sales cuts on sales of local business that give back to the community in areas such as recreation, etc. These tent sales have a negative impact on the community.

**AGENDA  
ITEM**

**13**



# AGENDA STAFF REPORT

**DATE:** February 16, 2016

**TO:** Mayor and City Council

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

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

**SUBJECT:** Discussion on Closure of Rockwood Avenue between First Street and Second Street for a Pedestrian Plaza Area.

=====

**Background:**

Item requested by Council Member Real at meeting of February 2, 2016 to discuss Closure of Rockwood Avenue between First Street and Second Street for a Pedestrian Plaza Area.

**Discussion & Analysis:**

None.

**Fiscal Impact:**

Unknown.

**Coordinated With:**

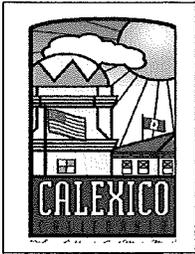
None.

**Attachment:**

None.

AGENDA ITEM 13
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**AGENDA  
ITEM  
14**



# AGENDA STAFF REPORT

**DATE:** February 16, 2016

**TO:** Mayor and City Council

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

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

**SUBJECT:** Discussion and/or Action on Repealing Code of Ethics approved by City Council on February 3, 2015

=====

**Background:**

Mayor Kim requested an Item on the agenda to discuss and take action to repeal the Code of Ethics approved by City Council on February 3, 2015.

**Discussion & Analysis:**

None.

**Fiscal Impact:**

None.

**Coordinated With:**

None.

**Attachment:**

1. Resolution 2015-08 – Code of Ethics.
2. Minutes for February 3, 2015 – Approval of Code of Ethics.

AGENDA  
ITEM  
14

**RESOLUTION NO. 2015-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA ADOPTING A CODE OF ETHICS FOR THE MEMBERS OF THE CITY COUNCIL AND FOR THE MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS APPOINTED BY THE CITY COUNCIL**

**WHEREAS**, the citizens and businesses of the City of Calexico are entitled to have fair, ethical and accountable local government which has earned the public's full confidence; and

**WHEREAS**, in keeping with the City of Calexico's commitment to excellence, all public officials, both elected and appointed must comply with the letter and spirit of the laws and policies affecting the operation of government; and

**WHEREAS**, all public officials, both elected and appointed, are required to be impartial and fair in their judgment and actions and ensure that public office is used for the public good; and

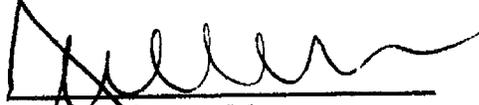
**WHEREAS**, the City Council of the City of Calexico has determined that the adoption of a Code of Ethics for its members and the members of all City Council-appointed boards, committees and commissions will assist in achieving these ends.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the City Council of the City of Calexico:

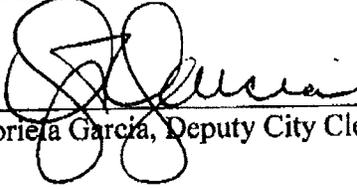
**Section 1.** The City Council hereby approves and adopts the City of Calexico Code of Ethics as attached to Exhibit "A" to this Resolution.

**Section 2.** This Resolution shall become effective immediately upon passage.

**PASSED, ADOPTED and APPROVED** this 3<sup>rd</sup> day of February, 2015, by the City Council of the City of Calexico.

  
\_\_\_\_\_  
John M. Moreno, Mayor

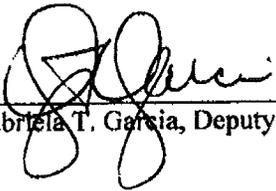
ATTEST:

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

STATE OF CALIFORNIA     )  
CITY OF CALEXICO        )     ss.  
COUNTY OF IMPERIAL    )

I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico, do hereby certify under the penalty of perjury, that the foregoing Resolution No. 2015-08, was duly adopted by the City Council at a meeting of said City Council held on the 3<sup>rd</sup> day of February 2015, and that it was so adopted by the following vote:

AYES:           Moreno, Kim, Castro, Real, Hurtado  
NOES:           None  
ABSTAIN:       None  
ABSENT:         None

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

# CITY OF CALEXICO

## CODE OF ETHICS

### Preamble.

The citizens and businesses of Calexico are entitled to have a fair, ethical and accountable local government which has earned the public's confidence for integrity. In keeping with the City of Calexico's commitment to excellence, the effective functioning of democratic government therefore requires that:

1. Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
2. Public officials be independent, impartial and fair in their judgment and actions;
3. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Calexico City Council has adopted a Code of Ethics for members of the City Council and of the City's boards, commissions and committees to assure public confidence in the integrity of Calexico City government and its effective and fair operation.

### Principles.

**1. Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Calexico and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Calexico City Council, boards, commissions and committees.

**2. Comply with the Law.** Members shall comply with the laws of the nation, the State of California and the City of Calexico in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

**3. Conduct of Members.** The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety.

Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards, commissions, committees, the staff or public.

**4. Respect for the Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council, boards, commissions and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council and by City staff.

**5. Conduct of Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business at hand, or otherwise interfering with the orderly conduct of meetings.

**6. Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

**7. Communication.** Members shall publicly share substantive information that is relevant to a matter under consideration by the City Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

**8. Conflict of Interest.** In order to assure their independent and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

**9. Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence.

**10. Confidential Information.** Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

**11. Use of Public Resources.** Members shall not use public resources not available to the public in general such as City staff time, equipment, supplies or

facilities for private gain or personal purposes.

**12. Representation of Private Interests.** In keeping with their role as stewards of the public interest members of the City Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceedings of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

**13. Advocacy.** Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual actions and positions, members shall explicitly state they do not represent their body or the City of Calxico, nor shall they allow the inference that they do.

**14. Policy Role of Members.** Members shall respect and adhere to the council-manager form of City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff.

**15. Independence of Boards and Commissions.** Because of the value of the independent advance of boards and commissions to the public decision-making process, members of the City Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceeding.

**16. Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

### **Implementation.**

As an expression of the standards of conduct for members expected by the City, the Calxico Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in regular orientations for candidates for City Council, applicants to boards and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understand the City of Calxico Code of Ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council, boards and commissions and the City Council shall consider recommendations from boards and commissions and update it as necessary.

**Compliance and Enforcement.**

The Calexico Code of Ethics expresses standards of ethical conduct expected for members of the Calexico City Council, boards and commissions. Members themselves have the primary responsibility to assure that the ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The Mayor and the chair persons of City Council-appointed boards, commissions and committees have the additional responsibility to intervene when actions of members appear to be in violation of the Code of Ethics are brought to their attention.

The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, or loss of committee assignments. The City Council also may remove members of boards and commissions from office.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Council, board or commission decision.

I affirm that I have read and understand the City of Calexico Code of Ethics.

Signature: \_\_\_\_\_

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

Name (Print): \_\_\_\_\_

Office: \_\_\_\_\_

the park. Recreation reviewed and approved the concept plan and request approval of resolution to move forward.

Councilwoman Hurtado disappointed that there were not that many stakeholders for this issue and asked the Councilmembers to urge their representatives to participate.

Motion to approve by Councilwoman Hurtado to approve Resolution approving the concept plan for Adrian Cordova Park and authorizing the hiring of consultants, architects and engineering to design and complete engineering plans and specifications for Adrian Cordova Park. Councilman Real seconded for discussion.

Councilman Real stated he has attended many council meetings and probably the first thing that is so positive and great for the City and cannot wait to see the shovel in the ground.

Kim asked if this is just to start the process for hiring. City Manager stated that before we spend any money, we want to make sure everyone is still in agreement with the concept plan. We will proceed with the RFP for the design of the park.

Mayor Moreno applauded the efforts of all involved because it is sorely needed in the community.

Motion passed unanimously.

**APPOINTMENT BY MAYOR AND COUNCIL MEMBERS TO VARIOUS BOARDS, COMMISSIONS AND COMMITTEES.**

**A) MAYOR MORENO: FINANCIAL ADVISORY BOARD, BEAUTIFICATION COMMISSION AND ECONOMIC DEVELOPMENT COMMISSION.**

Mayor Moreno made the following appointments:  
Financial Advisory Board: No appointment at this time.  
Beautification Commission: Esther Alicia Marquez  
Economic Development Commission: Lourdes Celeste Jimenez

**B) COUNCILWOMAN HURTADO: PERSONNEL COMMISSION AND SALES TAX CITIZEN ADVISORY COMMITTEE (MEASURE H)**

Councilwoman Hurtado made the following appointments:  
Personnel Commission: Michael Davies  
Sales Tax Citizen Advisory Committee (Measure H): Norma Aguilar

**\* RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO ADOPTING A CODE OF ETHICS FOR THE MEMBERS OF THE CITY COUNCIL FOR THE MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS APPOINTED BY THE CITY COUNCIL.**

Mayor requested that all Council Members read sections of the Code of Ethics.

Mayor Pro Tem Kim read sections one to three.  
Councilman Castro read sections four to six.  
Councilwoman Hurtado read sections seven to nine  
Councilman Real read principals ten to twelve.  
Mayor Moreno read principals thirteen to sixteen.

Mayor thanked the Members for reading the sixteen principles in the Code of Ethics and hoped that in the future they adhere, follow, re-read and continue learning to improve your role as a City Council Members.

Motion was made by Councilman Real to approve Resolution of the City Council of the City of Calexico Adopting a Code of Ethics for the Members of the City Council for the Members of All Boards, Committees and Commissions Appointed by the City Council. Councilwoman Hurtado seconded the motion for discussion.

Mayor Pro Tem Kim stated this was written by the English. So if you understand English than mean it and do it.

Motion passed unanimously.

Mayor Moreno requested a poster and that it be readily available.

**DISCUSSION AND POTENTIAL ACTION REGARDING SELECTION OF CALEXICO RESIDENTS TO BE NOMINATED TO THE COUNTY BOARD OF SUPERVISORS FOR CONSIDERATION OF APPOINTMENT TO THE PUBLIC BENEFITS FUNDS COMMITTEE CREATED BY THE SOLAR INDUSTRY.**

City Manager stated Supervisor Renison asked for nominations by the City to be forwarded to the County Board of Supervisors:

Motion by Mayor Moreno nominated Mayor Pro Tem Kim. Motion was seconded by Councilman Castro and passed by the following vote to wit:

Ayes:	Moreno, Kim, Castro Real
Noes:	Hurtado
Absent:	None
Abstain:	None

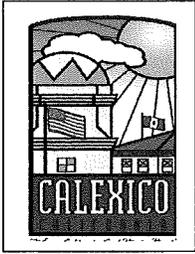
Kim stated he is happy to serve the community.

**CITY COUNCIL GUIDANCE TO STAFF REGARDING ALTERNATIVE LOCATIONS FOR CITY COUNCIL MEETINGS.**

Councilman Real stated his reason to bring this forward is because citizens of the west side of Calexico from Highway 111 west that they cannot attend the meetings. They feel the attention is on the east side of town. Maybe once or twice a year you can have a meeting at Willie Moreno

**AGENDA  
ITEM**

**15**



# AGENDA STAFF REPORT

**DATE:** February 16, 2016  
**TO:** Mayor and City Council  
**APPROVED BY:** Nick Fenley, Interim City Manager   
**PREPARED BY:** Nick Fenley, Interim City Manager  
**SUBJECT:** Discussion on Council Member Moreno's behavior.

=====

**Background:**

Item requested by Council Member Castro meeting of February 2, 2016 to discuss Council Member Moreno's online behavior.

**Discussion & Analysis:**

None.

**Fiscal Impact:**

None.

**Coordinated With:**

None.

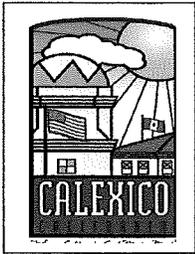
**Attachment:**

None.

<p>AGENDA ITEM 15</p>
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**AGENDA  
ITEM**

**16**



# AGENDA STAFF REPORT

**DATE:** February 16, 2016

**TO:** Mayor and City Council

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

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

**SUBJECT:** Discussion on Citizenship Recognition Program

=====

**Background:**

Item requested by Mayor Kim to discuss a Citizenship Recognition Program for citizens who have demonstrated exemplary conduct and have brought credit to the community.

**Discussion & Analysis:**

None.

**Fiscal Impact:**

None.

**Coordinated With:**

None.

**Attachment:**

1. Sample Citizenship Program for the City of Leduc.

<p>AGENDA ITEM 16</p>
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The City of Leduc Citizen Recognition Program consists of two components:

**A. Leduc Achievement Awards**

- Presented at a regular city council meeting by the mayor and/or member of council.  
Nominations are received throughout the year.

**B. Citizens of Distinction**

- Presented annually at the Volunteer Appreciation Banquet.  
Deadline for 2014 nominations is noon on Friday, Jan. 9, 2015.

## **A. LEDUC ACHIEVEMENT AWARDS**

### **Criteria**

- Nominee must be a citizen, group, organization or business in Leduc; or benefited the citizens of Leduc.
- Nominee must be a current or formal resident of Leduc; or in the case of a business or organization must have been operating in Leduc for a minimum of **two (2) years**.
- City employees who qualify in the course of their employment aren't intended to be recognized.

### **Nomination Procedure**

- Nominations are from general public or City of Leduc departments.
- Mayor and council have the discretion to nominate any individual or group/organization for recognition.
- Nomination forms are available at the following locations:
  - Leduc Civic Centre - #1 Alexandra Park, Leduc, AB
  - Online – Leduc.ca
- Award recipients will be notified prior to the presentation.
- The nominator is responsible for submitting a complete application with all pertinent details.
- Award recipient and nominator will be contacted, if chosen.
- The City of Leduc may contact the nominator for clarification, if necessary.

### **Recognition**

- The recipient will receive a Leduc Achievement Award medallion and certificate presented by the mayor and/or member of council.
- Presentations are periodically made during regular council meetings in council chambers.

## **B. CITIZENS OF DISTINCTION AWARDS**

The Citizens of Distinction Awards are designed to recognize, on an annual basis, six outstanding citizens, groups, organizations or businesses that have brought credit to our city.

One award will be granted in each of the following categories:

1. Athletic Achievement Award
2. Community Spirit Award
3. Culture and Heritage Recognition Award
4. Environmental Achievement Award
5. Youth Award of Merit
6. Mayor's Special Award *\*not chosen by nomination*

### **Nomination Procedure:**

- Additional nominations will be solicited from the community January and February of each year.

- Nomination forms are available at the Leduc Civic Centre and Leduc Recreation Centre. The form is also available in PDF on the City of Leduc website. Nominations will be accepted up until noon on Friday, Jan. 9, 2015 to be eligible for 2014.
- The person submitting the nomination is responsible for submitting a complete application with all pertinent details.
- The Citizen Recognition Committee may contact the nominator for clarification, if necessary.
- Each nomination will be considered and held by the Citizen Recognition Committee for three consecutive years if the nominee is not chosen for an award in the respective year they were nominated. After three years, a nomination will lapse if not selected. If desired, the candidate may then be re-nominated.
- The Citizen Recognition Committee will review all nominations and, based on the outlined criteria, select the recipient in each category with the exception of the Mayor's Special Award.
- The Citizen Recognition Committee may decline to choose a recipient for an award in a given year if no suitable candidate is presented or if other extenuating circumstances occur.
- Nominees may be nominated in more than one category but can only win in one (1) category in any given year.
- All decisions of the Citizen Recognition Committee are final.

**Recognition:**

- There will be an annual award ceremony in April of each year. At this time award recipients will receive a presentation from city council and will have their picture and a description of their accomplishments place on the Citizens of Distinction Wall, located at the Leduc Civic Centre, for one year.
- All recipients of the Citizen Recognition Program will be invited to attend the Volunteer Recognition evening and are provided a designated table for themselves and seven guests.

**General Criteria:**

- Nominations will be accepted for individuals, groups, teams or businesses.
- Current or former residents of Leduc are eligible for the awards.
- Nominees must have been a resident of Leduc for at least **three (3) years**; or in the case of a business or group must have been operating in Leduc for at least **three (3) years**.
- City employees who qualify in the course of their employment aren't intended to be recognized.

**In making their Citizen Recognition decision, the Citizen Recognition Committee will consider the following:**

- whether the nominee is recognized as coming from Leduc
- whether the achievement attained brought widespread recognition to Leduc
- whether the nominee has enhanced the name of the community through positive exposure
- what level of achievement has been attained
- what contribution the nominee has made to the community

**Specific Criteria:**

- 1. Athletic Achievement Award** - Awarded to a citizen, group or team of Leduc who has distinguished themselves in an athletic endeavour.
  - Individuals or teams must have:
    - a) placed first, second or third at a provincial level or higher competition, or;

- b) have participated in their sport on a national or international level.
  - Teams and candidates may hold amateur or professional status.
  - Sporting events must be sanctioned or recognized by a provincial, national or international governing body.
  - All non-residents members or a group or team who train primarily in Leduc will be eligible.
- 2. Community Spirit Award** - Awarded to a citizen, group, or organization of Leduc who has contributed, enhanced or has had a positive impact on numerous members of the community.
- Had a positive impact on the community and may not have been recognized for their contribution
  - Whose leadership and services have had a beneficial impact on community life
  - Inspirational to community members
- 3. Culture and Heritage Recognition Award** - Awarded to a citizen, group or organization of Leduc who has distinguished themselves and/or contributed significantly to the culture, arts and/or heritage of Leduc.
- Individuals or groups must have:
    - a) Made a significant contribution to the culture, arts and/or heritage life of Leduc
    - b) Consideration will be given to their role in the history of Leduc and their contribution to the past growth and development of Leduc
- 4. Environmental Award** - Awarded to recognize a citizen, group, or organization of Leduc that have demonstrated and/or contributed to the support, conservation, protection, and enhancement of the environment.
- Nominee will be selected based on best practices and initiatives that demonstrate commitment to the environment and produce measurable positive changes (for example pollution reduction, waste reduction, recycling, and education) in pursuit of solutions to long term environmental issues.
  - Individual nominees within an organization will be judged on the merit of individual projects and contributions with respect to the above-noted criteria.
- 5. Youth Award of Merit** - Awarded to recognize and promote youth involvement and contribution to the community through significant efforts or achievements.
- Nominee must be twenty one or younger at the time of nomination.
  - Consideration will be given to both their academic, athletic, cultural and economic achievements, and their contribution to the community.
- 6. Mayor's Special Award** - Awarded at the discretion of mayor and council, this award recognizes outstanding effort and/or achievement of an individual, group or business.
- This award is not contingent upon nominations.
  - Candidates and recipients will be selected solely by mayor and council.
  - The criteria for this award will be determined solely by mayor and council.

**SUBMISSION**

Submit Nominations to: **City of Leduc – Civic Centre**  
**Attn: Community Development & Culture,**  
**Citizen Recognition Committee**  
**#1 Alexandra Park**  
**Leduc, Alberta T9E 4C4**

The Citizens of Distinction Awards are designed to recognize, on an annual basis, six outstanding citizens, groups, organizations or businesses that have brought credit to our city.

One award will be granted in each of the following categories:

1. Athletic Achievement Award
2. Community Spirit Award
3. Culture and Heritage Recognition Award
4. Environmental Achievement Award
5. Youth Award of Merit
6. Mayor's Special Award *\*not chosen by nomination*

The chosen recipients will be recognized at the annual Citizens of Distinction ceremony held in April each year. Award winners will be notified in writing prior to the presentations.

**CITIZENS OF DISTINCTION AWARDS****General Criteria**

- Nominations will be accepted for individuals, groups, teams or businesses.
- Current or former residents of Leduc are eligible for the awards.
- Nominees must have been a resident of Leduc for at least three years; or in the case of a business or group must have been operating in Leduc for at least **three (3) years**.
- City employees who qualify in the course of their employment are not intended to be recognized.

**Specific Criteria:**

1. **Athletic Achievement Award** - Awarded to a citizen, group or team of Leduc who has distinguished themselves in an athletic endeavor.
  - Individuals or teams must have:
    - a) placed first, second or third at a provincial level or higher competition, or;
    - b) have participated in their sport on a national or international level.
  - Teams and candidates may hold amateur or professional status.
  - Sporting events must be sanctioned or recognized by a provincial, national or international governing body.

All non-residents members or a group or team who train primarily in Leduc will be eligible.

2. **Community Spirit Award** - Awarded to a citizen, group, or organization of Leduc who has contributed, enhanced or has had a positive impact on numerous members of the community.
  - Had a positive impact on the community and may not have been recognized for their contribution

The personal information on this form is being collected for the purpose of nominating an individual for a Citizen Recognition Award from the City of Leduc, under the Authority of FOIP Act 33c. Questions regarding the collection of this information can be directed to the Manager, Corporate Records/Privacy Officer at (780) 980-7177 at #1 Alexandra Park, Leduc, Alberta T9E 4C4.

- Whose leadership and services have had a beneficial impact on community life
  - Inspirational to community members
3. **Culture and Heritage Recognition Award** - Awarded to a citizen, group or organization of Leduc who has distinguished themselves and/or contributed significantly to the culture, arts and/or heritage of Leduc.
- Individuals or groups must have:
    - a) Made a significant contribution to the culture, arts and/or heritage life of Leduc
    - b) Consideration will be given to their role in the history of Leduc and their contribution to the past growth and development of Leduc
4. **Environmental Award** - Awarded to recognize a citizen, group, or organization of Leduc that have demonstrated and/or contributed to the support, conservation, protection, and enhancement of the environment.
- Nominee will be selected based on best practices and initiatives that demonstrate commitment to the environment and produce measurable positive changes (for example pollution reduction, waste reduction, recycling, and education) in pursuit of solutions to long term environmental issues.
  - Individual nominees within an organization will be judged on the merit of individual projects and contributions with respect to the above-noted criteria.
5. **Youth Award of Merit** - Awarded to recognize and promote youth involvement and contribution to the community through significant efforts or achievements.
- Nominee must be twenty one or younger at the time of nomination.
  - Consideration will be given to both their academic, athletic, cultural and economic achievements, and their contribution to the community.
6. **Mayor's Special Award** - Awarded at the discretion of mayor and council, this award recognizes outstanding effort and/or achievement of an individual, group or business.
- This award is not contingent upon nominations.
  - Candidates and recipients will be selected solely by mayor and council.
  - The criteria for this award will be determined solely by mayor and council.

**NOMINEE'S INFORMATION**

**Contact**

Name of individual, organization, group or business: \_\_\_\_\_  
*(Please list all members of the team/group on a separate page)*

Email: \_\_\_\_\_

Present Address: \_\_\_\_\_

City, Prov.: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone (work): \_\_\_\_\_ Phone (home): \_\_\_\_\_

**Nomination Information**

Number of Years Living/Operating in Leduc: \_\_\_\_\_

Area of Nomination (Please check box):  
 Athletics  Environmental  
 Community Spirit  Youth  
 Culture & Heritage

Please provide information on the nominee via an attached statement detailing why they should be recognized as a Citizen of Distinction including history of the individual, team, group or business; achievements; contribution to the community; and details on how they've brought recognition to Leduc.

The nominator may include up to a maximum of **five (5) pages** of material in support of the nomination. The support material must directly relate to the above information. Extraneous information will be edited from the nomination.

In making their Citizen Recognition decision the Citizen Recognition Committee will consider:

- whether the nominee is recognized as coming from Leduc,
- whether the achievement attained brought widespread recognition to Leduc,
- whether the nominee has enhanced the name of the community through positive exposure,
- what level of achievement has been attained, and
- what contribution the nominee has made to the community.

**NOMINATOR'S INFORMATION**

*Please Note:* Nominator may be contacted if there are any questions regarding the nomination.

Name of individual, organization, group or business: \_\_\_\_\_

Email: \_\_\_\_\_

Present Address: \_\_\_\_\_

City, Prov.: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Submission Date: \_\_\_\_\_