



**CALEXICO CITY COUNCIL/CALEXICO REDEVELOPMENT SUCCESSOR  
AGENCY/CALEXICO FINANCING AUTHORITY  
REGULAR MEETING AGENDA**

**City of Calexico  
Fernando "Nene" Torres Council Chambers  
608 Heber Avenue  
Calexico, California  
[www.calexico.ca.gov](http://www.calexico.ca.gov)**

**Tuesday, May 5, 2015  
6:30 p.m.**

**Council Members**

**John M. Moreno, Mayor/Chairman  
Joong S. Kim, Mayor Pro Tem/Vice Chair  
Luis J. Castro, Councilman  
Armando Real, Councilman  
Maritza Hurtado, Councilwoman**

**City Clerk**

**Gabriela T. Garcia**

**Interim City Manager**

**Richard N. Warne**

**City Attorney**

**City Treasurer**

**John T. Quinn**

**Next City Ordinance Number: 1162  
Next City Resolution Number: 2015-20**

**CLOSED SESSION AGENDA**

**5:30 P.M.**

**CALL TO ORDER**

Roll Call.  
Adjourn to Closed Session.

A "Closed" Session of the City Council/Calexico Community Redevelopment Agency Successor Agency/ Calexico Financing Authority may be held in accordance with state law which may include, but is not limited to, the following types of items: personnel matters, labor negotiations, security matters, providing instructions to real property negotiators and conference with legal counsel regarding pending litigation. The Closed Session will be held in the City Hall Conference Room located at 608 Heber Avenue, Calexico, California. Any public comment on Closed Session items will be taken before the Closed Session. Any required announcements or discussion of Closed Session items or actions following the Closed Session will be made in the City Council Chambers, 608 Heber Avenue, Calexico, California.

## **CLOSED SESSION**

1. CONFERENCE WITH LABOR NEGOTIATORS  
Agency Representatives: Interim City Manager  
Unrepresented Employees: Interim City Manager  
(Govt. Code section 54957.6)
2. CONFERENCE WITH LABOR NEGOTIATORS  
Agency Representatives: Interim City Manager  
Unrepresented Employees: Interim Chief of Police  
(Govt. Code section 54957.6)

## **CALL TO ORDER**

Call to Order and Attendance.

Pledge of Allegiance.

Invocation by Reverend Miguel Campos, Sch.P., Our Lady of Guadalupe Catholic Church.

Closed Session Announcements.

Approval of the Agenda.

## **ANNOUNCEMENTS**

These proceedings may be viewed on the City of Calexico website at [www.calexico.ca.gov](http://www.calexico.ca.gov) the Friday following the City Council meeting.

## **AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS**

3. Proclamation of Heffernan Memorial Healthcare District – Health and Wellness Month – May 2015.
4. Proclamation of Mariachi Festival Sin Fronteras “VIVA CALEXICO” Week - May 11 to May 16, 2015.

## **PUBLIC COMMENTS AND PUBLIC APPEARANCES**

**NOTE: (Not to Exceed 3 Minutes)** This is the time for the public to address the City Council on any item not appearing on the agenda that is within the subject matter jurisdiction of the City Council. The Mayor will recognize you and when you come to the microphone, please state your name and place of residence for the record. While members of the public are encouraged to participate, it is unlawful to disturb or delay the Council meeting with personal or slanderous remarks. If the item you wish to comment on is a closed session or consent item, please comment now. The City Council is prohibited by State law from taking action or discussing items not included on the printed agenda. If the item you wish to comment on is on the public portion of the agenda, we will take your comment when we get to the item on the agenda. Please direct your questions and comments to the City Council.

## **CITY COUNCIL COMMENTS AND REPORTS OF MEETINGS ATTENDED**

### **CONSENT CALENDAR**

All matters listed under the Consent Calendar are to be considered routine by the City Council/Calexico Community Redevelopment Agency Successor Agency or Calexico Financing Authority and will be enacted by one motion in the form listed. Any item may be removed from the Consent Calendar and considered separately by the City Council.

5. City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Regular Meetings of April 21, 2015, August 17, 2010 and July 6, 2010.
6. Approve Revisions to Resolution No. 2014-88 of the City of Calexico Authorizing the City Manager or his/her Designee to Execute State Agreement and/or any Documentation Pertaining to Housing Related Parks (HRP) Program Grant.

7. Adoption of a Resolution of the City of Calexico Related to the Terms and Conditions for Fire Department Response Away from their Official Duty Station and Assigned to an Emergency Incident.
8. Warrants from April 7, 2015 to April 21, 2015.
9. Authorize Public Works Director/City Engineer to File Notice of Completion for the 1.0 MG, 3.0 MG, 4.0 MG and 6.0 MG Water Tank Repair and Upgrade Project.
10. Purchase of a 2015 CNG Street Sweeper from Mar-Co Equipment Co., through a Cooperative Purchase with the City of Brawley.
11. Purchase of Body Cameras and Tasers for the Calexico Police Department.

**ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION**

**DISCUSSION AND POTENTIAL ACTION ITEMS**

12. Resolution of the City Council of the City of Calexico Urging a Moratorium on Additional Bank Closures and Calling upon U.S. Congressman Juan Vargas, Other Elected Officials and Obama Administration Officials in the Department of Justice, Department of Treasury and Other Federal Agencies to End Bank Closures in Calexico and Along the International Border.
13. (1) Council Member Armando Real's Request that City Council Consider Potential Calexico Code of Ethics Violations by Council Member Maritza Hurtado and (2) Consideration of a Resolution of the City Council of the City of Calexico Reprimanding and Censuring Council Member Hurtado.
14. Discussion and Potential City Council Guidance Regarding Temporary Promotional Signs and Banners within the City of Calexico.
15. Consider a Request for a Forensic Audit of the City of Calexico and Provide Direction to Staff if Necessary.
16. Appointment by Council Member Hurtado to the Historical Commission.
17. Appointments to the Calexico Senior Citizens Commission:
  - a) Councilman Castro: (1) Senior Citizens Commission
  - b) City Council by Majority Vote (2) Senior Citizens Commission  
(Residents Living in Senior Citizen Complexes in the City)

**CALEXICO REDEVELOPMENT SUCCESSOR AGENCY**

**CONSENT AGENDA**

18. Resolution of the Successor Agency of the Calexico Community Redevelopment Agency Approving the Amended Long-Range Property Management Plan Pursuant to California Health and Safety Code Section 34191.5 and Approving Certain Related Actions.

**ADJOURNMENT**

It is the intention of the City of Calexico to comply with the Americans with Disabilities Act in all respects. If you are a person with a disability who requires a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, please request such modification or accommodation from the City Clerk at (760) 768-2102. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Please advise us at the time whether you will require accommodations to participate in meetings on a regular basis. Any person affected by any application on this agenda may submit their concerns in writing prior to the meeting or appear in person and be heard in support or opposition to the proposal at the time the matter is considered on the agenda. The staff reports, applications and environmental documents may be viewed at either the office of the office of the City Clerk, 608 Heber Avenue from 8:30 a.m. until 5:30 p.m. Monday through Thursday, except legal holidays. Telephone inquiries may be made at (760) 768-2102. If you challenge any agenda issue in court, you may be limited to raising only those issues that you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the City of Calexico at, or prior to, the public meeting.

This notice of agenda is hereby certified to have been posted on or before 8:00 p.m., April 30, 2015.



Gabriela T. Garcia, Deputy City Clerk

8:00 p.m. /April 30, 2015

Time/Date

**AGENDA  
ITEM**

**3**

*Calexico City Council*



*Proclamation*

*"Heffernan Memorial Healthcare District  
Health and Wellness Month - May 2015"*

*WHEREAS*, the Heffernan Memorial Healthcare District was officially formed in 1951 as a local hospital district after State Legislation was enacted to make it easier to get federal loans for the construction of acute-care health facilities in rural areas.

*WHEREAS*, Today, the Heffernan Memorial Board of Directors continue with the same commitment to bring healthcare resources to Calexico and continue to look for new partnerships to enhance the healthy lifestyles of our citizens; and

*WHEREAS*, those who serve in the Heffernan Memorial Healthcare district have a major responsibility to the health and wellness of our community; and

*WHEREAS*, the Heffernan Memorial Healthcare district efforts and contributions to the City of Calexico becomes a major referral center for both patients and healthcare providers; and

*WHEREAS*, the Heffernan Memorial Health District plays an integral role in the community by providing critical emergency equipment; and

*WHEREAS*, the success of Heffernan Memorial Healthcare District could not have been achieved without the contributions and dedication of all Directors, The City of Calexico, Healthcare personnel, Paramedics, Fire and Police Departments and the Community; and

*WHEREAS*, it is most appropriate to set aside a special time to recognize the contributions of more than sixty-four years of service to the community by the Heffernan Memorial Healthcare District and their Board of Directors.

*NOW, THEREFORE*, in tribute to the hard work and commitment to bring healthcare resources and wellness to the citizens of Calexico, I, John M. Moreno, Mayor of the City of Calexico on behalf of the Calexico City Council do hereby proclaim May 2015 as the Heffernan Memorial Healthcare District - Health and Wellness Month.

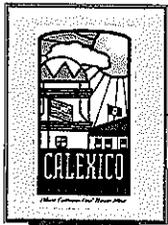
*IN WITNESS WHEREOF*, I hereunto affix my signature and Official Seal of the City of Calexico on the 5th day of May, 2015.

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

**AGENDA  
ITEM**

**4**

*Callexico City Council*



# *Proclamation*

## *"Mariachi Festival Sin Fronteras "Viva Callexico" Week - May 11 to May 16, 2015*

*WHEREAS, the "24th Annual Mariachi Festival Sin Fronteras "Viva Callexico" is to celebrate our Mexican roots, enhance the knowledge of traditional Mariachi music to younger generations and to bring together the citizens our beautiful City and Imperial Valley-Baja California Region in a harmonious and celebratory way; AND*

*WHEREAS, this is the 24th Year of the Mariachi Festival Sin Fronteras "Viva Callexico"; and*

*WHEREAS, the Committee of the 24th Annual Mariachi Festival Sin Fronteras "Viva Callexico" is made up of volunteers representing pioneer families of the City of Callexico.*

*WHEREAS, the festival brings over 10,000 visitors, tourists, entertainers, vendors and artisans to the City of Callexico throughout the Week of Mariachi Festival; and*

*WHEREAS, The City of Callexico will host Entertainers and Artisans from Jalisco, Baja California, Puebla, San Antonio, Texas, Los Angeles and San Diego, California; and*

*WHEREAS, the Mariachi Festival gives an opportunity to local talent such as Mariachi Acero del Valle to participate in the festivities; and*

*WHEREAS, local talent is also given the opportunity to compete for a title in the "Mariachi Idol" contest; and*

*WHEREAS, Senorita Mariachi Festival, Rosella Moreno is a Callexico native and a college student at Imperial Valley College and will represent the City of Callexico throughout her reign; and*

*WHEREAS, the Committee of the 24th Annual Mariachi Festival Sin Fronteras "Viva Callexico" is made up of volunteers representing pioneer families of the City of Callexico.*

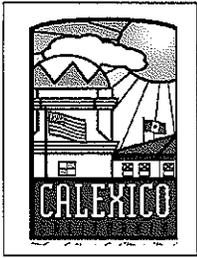
*NOW, THEREFORE, I, John M. Moreno, Mayor of the City of Callexico on behalf of the Callexico City Council do hereby proclaim May 11th to May 16th, 2015 as Mariachi Festival Sin Fronteras "Viva Callexico" Week.*

*IN WITNESS WHEREOF, I hereunto affix my signature and Official Seal of the City of Callexico on the 5th day of May, 2015.*

*John M. Moreno, Mayor*

**AGENDA  
ITEM**

**5**



# AGENDA STAFF REPORT

**DATE:** May 5, 2015

**TO:** Mayor and City Council

**APPROVED BY:** Richard N. Warne, Interim City Manager *RNW*

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

**SUBJECT:** Approval of City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Regular Meetings of April 21, 2015, August 17, 2010 and July 6, 2010. *GTG*

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## Recommendation:

Approval of City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Regular Meetings of April 21, 2015, August 17, 2010 and July 6, 2010.

## Background:

In accordance with Municipal Code Section 2.04.070, the City Clerk shall prepare minutes of the proceedings of each City Council Meeting.

## Discussion & Analysis:

Minutes for City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Regular Meetings of April 21, 2015, August 17, 2010 and July 6, 2010 have been prepared for City Council review and approval.

## Fiscal Impact:

None.

## Coordinated With:

None.

## Attachments:

Minutes for April 21, 2015, August 17, 2010 and July 6, 2010.



**THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY SUCCESSOR AGENCY/CALEXICO FINANCING AUTHORITY MET IN REGULAR SESSION ON THE 21<sup>ST</sup> DAY OF APRIL 2015 AT 6:30 P.M. AT THE FERNANDO "NENE" TORRES COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.**

**CLOSED SESSION**

**CALL TO ORDER**

The Closed Session portion of the agenda was called to order at 5:32 p.m. by Mayor Moreno.

**ATTENDANCE**

Mayor: John M. Moreno  
Mayor Pro Tem: Joong S. Kim  
Council Member: Luis J. Castro  
Council Member: Armando Real  
Council Member: Maritza Hurtado

Benjamin Horton spoke in reference to Item No. 1 on the closed session agenda and pointed out that what has taken place in the past when the attorney advised Council Member Castro on his conflict of interest and she told him he was up to him to decide. He stated that due to the situation the City is in, it is time for the City to move forward and make the change.

Carlton Hargrave commented on the letter issued by Debra Owen, Assistant District Attorney, where it states the Brown Act violations by the City which should have been noted by the City Attorney and pointed out to the Council. He also referred to the violation of government code with regard to the City Attorney's eligibility for retirement and stated it is time for change and to move forward.

Mayor Moreno commented on his discussion with John Schull where he commended the City on hiring Mr. Warne and Mr. Bostic. He pointed out that JPIA continues to watch the City and the Council.

City Manager Warne spoke about the reasons for having the item on the agenda and about the investigation on the City Attorney's eligibility for PERS.

City Attorney Boehmer advised this was closed session discussion.

Mayor Pro Tem Kim asked if the Mayor had approved the agenda. Mayor advised him he had not and that Council should go into closed session.

Mayor Pro Tem Kim stated the City Manager should not have brought the item to Council because the City Attorney is hired and fired by the Council not be Staff.

City convened in Closed Session at 5:44 p.m. to discuss the following:

1. PUBLIC EMPLOYEE DISCIPLINEE/DISMISSAL/RELEASE  
Government Code 54957 (b)  
Title: City Attorney

2. PUBLIC EMPLOYEE APPOINTMENT  
Government Code 54957 (b)  
Title: Interim City Attorney/City Attorney

Council reconvened from closed session at 6:50 p.m.

**CALEXICO CITY COUNCIL/CALEXICO REDEVELOPMENT  
SUCCESSOR AGENCY/CALEXICO FINANCING AUTHORITY**

**REGULAR SESSION 6:30 P.M.**

The regular session portion of the agenda was called to order at 6:53 p.m. by Mayor Moreno.

**ATTENDANCE**

(All Council Members were present: Moreno, Kim, Castro, Real, Hurtado)

**PLEDGE OF ALLEGIANCE**

Mayor Moreno led those present in the Pledge of Allegiance.

**INVOCATION**

Invocation was given by Pastor Hugo Guillen, Seventh Day Adventist Church.

**CLOSED SESSION ANNOUNCEMENTS**

Council met in closed session and voted 3-2 to terminate services with the firm of McDougal, Love, Eckis, Boehmer and Foley. The firm will stay on for a period of 30 days to facilitate the transition. Vote was as follows:

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

**APPROVAL OF THE AGENDA.**

Motion was made by Council Member Hurtado for approval of agenda as presented. Motion was seconded by Mayor Moreno.

Mayor Pro Tem Kim stated he had questions on agenda and stated he and Council Member Real agreed to place an item for the agenda on fiscal emergency and asked why it was not on the agenda. Mayor Moreno stated he advised him he called him to discuss the agenda and never received a call back. Mayor Pro Tem Kim disagreed with Mayor on the call. Mayor asked for back-up on the item.

***Council Member Real left the Council Chambers at 6:58 p.m.***

Mayor Moreno asked Mayor Pro Tem Kim why he wants to call for a fiscal emergency and asked for back-up on the item. Mayor Pro Tem Kim stated providing back-up documents is the job of City Staff. Mayor stated he asked the clerk if Mayor Pro Tem Kim had brought back-up. Mayor Pro Tem Kim stated he had been advised the day before the meeting. Mayor Moreno and Mayor Pro Tem Kim discussed the matter of back-up information and Mayor Pro Tem Kim stated he did not have back-up because it was job of staff to provide.

***Council Member Real returned to Council Chambers at 7:00 p.m.***

Motion passed by the following vote to wit:

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

**PROCLAMATION OF VETERANS APPRECIATION MONTH - MAY 2015.**

Council Members took turns reading the Proclamation of Veterans Appreciation Month – May 2015. Mayor Moreno presented the Proclamation to Mr. Linn McAllister, Retired Marine assisting Veterans in the County. Mr. McAllister spoke about the privilege of working for the veterans and assisting them with jobs. The proclamation will be on display at the El Centro EDD during the month of May.

**PRESENTATION BY THE CALEXICO POLICE OFFICERS ASSOCIATION.**

Sean Acuña, CPOA President, Armando Orosco, Vice-President, Member Legaspi were present for the presentation, Mr. Acuña stated he was pleased to report the CPOA has opened a dialogue with the City. He spoke about the misperception regarding the State Attorney General being here and the CPOA fully support them being here for the next seven to nine months. He stated they will assess and make recommendations on how to improve the department. He further stated this is a progressive step in making the Calexico Police Department a premier department in California and this is something positive for the department.

Richard Warne, Interim City Manager thanked Mr. Acuña for their willingness to work with City Staff.

Hurtado stated it is a refreshing new attitude and professionalism.

**PUBLIC COMMENTS AND PUBLIC APPEARANCES**

Jason Jung, reference to the City officials committing crimes of extortion, fraud and conspiracy. He stated he requested his item to be placed on the agenda and was told he was not on the agenda. He spoke about the incompetence of Mr. Servin and Mr. Quinn and hoped that his item would be placed on the next agenda to discuss it in detail.

Angel Esparza provided update on the State of the City address video. He stated this has been the most engaging state of the City Address. The video has had combined 311 shares, 486 comments on positive aspects and price, 2,400 likes and 19,000 video views. He stated the message was inspiring and asked the community to become more involved.

Alex Perrone, thanked Mayor Moreno and Council Member Real for the time to meet on the water payment drop box which is a convenient service to seniors. He commended Mayor Moreno for his state of the City speech and his family's legacy. He hoped for the council to be united and asked that the council make their own decision and not be influenced by anyone else. He encouraged them to do the right thing.

John Romo stated he concurred that everyone should be moving ahead because Calexico is a growing community. He stated he does not deal with personalities and hoped that everyone does the same and hoped the City was moving in the right direction and come to understand what is right and wrong.

### **CITY COUNCIL COMMENTS AND REPORTS OF MEETINGS ATTENDED**

Mayor Moreno thanked all the people that attended and viewed the State of the City Address on You Tube. He spoke about building bridges and the Council could agree to disagree. He attended Arbor Day at Kennedy Gardens under direction of Javier Gonzalez. He thanked the residents of Kennedy Gardens for their involvement, the Girl Scout Troup for being involved in the environment. He encouraged the City Manager to bring back the drop box for water payments.

Mayor Pro Tem Kim, agreed with Mayor Moreno and felt it was a nonsense to remove the drop box. He advised he attended the Air Quality Control meeting on April 15, 2015. Addressed the issue of burning fields and asked that they place it on the next meeting agenda. He requested a special meeting on April 23, 2015 at 6:00 p.m. for:

1. Public Employee Discipline Dismissal Release, Government Code 54957(b). Title: Interim City Manager.
2. Public Employee Appointment/Employment, Government Code 54957(b), Title: Interim City Manager/City Manager.
3. Calexico City Council to declare a fiscal emergency due to the City of Calexico Bad Economy and City Financial Status.

Mayor Moreno requested Mayor Pro Tem Kim meet with him and City Manager to this matter further. He asked to set up a meeting.

Council Member Real stated he is concerned about the economy but does not concur with the State of Emergency and this time and felt that Council should look at the finances before calling a state of emergency. Council Member Castro supported Mayor Pro Tem Kim's items and felt there are huge financial problems.

Mayor Pro Tem Kim stated that if another Council Member concurred with his request it should be placed on the next agenda.

Council Member Real asked the City Attorney for opinion. City Attorney Boehmer stated it takes two members of the council to concur at a public meeting pursuant to the agenda policy.

Mayor stated the items would be placed on the next regular session.

Council Member Hurtado questioned the City Attorney on the matter on which items are being requested for the agenda. She stated if the Council Member states there is a financial crisis and we want evidence of the position and there would be a preparation process and not just the Council Member's opinion. She stated it is felt that there is no financial crisis and if such a controversial item is being brought forward there should be justification of the item in order to be fair to the citizens.

Council Member Real stated the staff should provide the documentation. Mayor Pro Tem Kim concurred. City Attorney Boehmer read from section 3b of the agenda policy which states that any Council Member may place an item on the upcoming council agenda. Council Member Hurtado stated that when the staff prepares an item there is back-up documentation and asked if when a Council Member requests an item, there would also be documentation. City Attorney Boehmer stated he would suggest there should be, but the agenda policy does not mandate that there be documentation. However to make it meaningful you would want the back-up information.

Richard Warne, City Manager stated there used to have an item called Future Agenda Items and Council voted that before any item went on the agenda, it had to go through the City Manager's office and vetted. He stated the agenda policy was amended by a vote of the City Council. He further stated that to spring an item on the dais without preparation, no matter what the item, is not fair to anyone. The reason why the Council changed the policy was so there would be appropriate vetting and appropriate information and the Council actually voted on that item. Mayor Moreno requested that Mayor Pro Tem Kim provide the background material for the item.

Council Member Castro congratulated all the persons who participated in the car show. It was a beautiful event. This kind of event is great for Calexico but we need to look on how to maintain the restrooms in the downtown area. He stated that the City has not maintained the restrooms for the past three weeks and they were filthy. He stated he sent information on this matter to the City Manager and Mayor to address this matter. He stated it is embarrassing and wanted to hear from the City Manager as to what happened that day. Richard stated the Councilman Castro sent him a text and public works confirmed that the restrooms were cleaned prior to the car show however, it is difficult to keep the downtown clean unless someone is posted there 24 hours a day.

Council Member Castro stated the need to look for options on cleaning the downtown restrooms.

Council Member Hurtado thanked the Department of Justice and U.S. Attorney's Office meeting with stakeholders of city of Calexico and they provided a good explanation on their visit which is to assess. She announced there was a Mexicali Bi-National Group Meeting and they heard from the New River Committee who moving on their projects and discussed plans for projects with the New Port of Entry. She visited the beach after the week-end when there is a lot of traffic. She stated the restrooms and the beach area were dirty and the area was not clean. These areas are similar to Calexico and we are trying to clean and two persons have been assigned to the downtown along with the graffiti mobile which will clean up graffiti. We are all focused on pointing out the

negative issues and should look for solutions. She spoke about having the items of removing the City Manager and Chief Bostic on the agenda and stated they are getting old and we should let the City heal and move on because we have so much potential and should not make the citizens concerned over our stability.

Council Member Real concurred with Castro on the car show because it was a great turn out and it was very well orchestrated and very nice cars were shown. Congratulated the Mayor on the State of the City and Mi Calxico did a very good job on the video. He spoke about things he has publicly stated regarding changes for the City. He stated that if he made it seem like he wants to privatize everything in the City, it is that he is opening up the discussion on privatization because this has not been brought up and maybe it is not the best option for the City. He stated he spoke to Sean Acuna and showing his support for getting the Police Department to get back on track. He requested future agenda items:

1. Business owners have been speaking about sign ordinance and flags.

Mayor Pro Tem Kim concurred with his request. Mayor stated this has to go to Planning Commission first for review.

2. Possible discussion on a forensic audit on the City. Council Member Castro concurred with his request. Mayor requested to meet with Council Member Real.

Council Member Real stated the City Manager and Police Chief have done a great job and it is time to finish this off their contracts and would like to place the item on the next agenda for the Chief of Police and City Manager Contracts.

City Attorney Steve Boehmer stated there is a finalized contract for the City Manager and the Police Chief and if they are the ones presented, they can be placed on the agenda.

Council Member Hurtado stated she thought it was decided that there would be a change to the negotiating team. City Attorney Boehmer stated this would have to be on the agenda to be voted on to change the sub-committee.

City Attorney Boehmer recommended closed session to finalize to know exactly what contracts are going on the agenda and a public agenda item to conform to the government code so you have the correct agreements, terms and conditions and place the City Manager and Police Chief agreements in public session for a vote as per the government code requirements.

Jessie Gallardo stated the need to be more professional and have more communication between the Council Members and the City Manager.

Guillermo Hermosillo, requested to bring back Future Agenda Items and things would be easier for Council Members to place items on the agenda.

Olivia Valenzuela thanked for bringing back the drop box. She also reported a vacant lot on Halcon Court behind Escalante Plaza that is full of dry tumbleweeds and trash and believed this is a fire hazard. She also reported that someone was popping fire crackers until 2:30 a.m.

**CONSENT CALENDAR**

Mayor Pro Tem Kim pulled Items 10 and 11 for discussion.

Council Member Real made a motion to approve Item No.'s 5 to 9 of the Consent Agenda as follows: City Council/Calexico Community Redevelopment Agency Successor Agency/ Calexico Financing Authority Minutes for Regular Meeting of April 7, 2015, December 6, 2011, October 5, 2010 and Special Meeting Minutes for October 5, 2010; Application for Alcoholic Beverage License for Crown Oil, Inc., 824 S. Imperial Avenue, Calexico, CA 92231; Application for Alcoholic Beverage License for Crown Oil, Inc., Crown Oil USA #798, 444 S. Imperial Avenue, Calexico, CA 92231; Application for Alcoholic Beverage License for Crown Oil, Inc., Crown Oil USA #796, 1036 S. Imperial Avenue, Calexico, CA 92231; Warrants from March 20, 2015 to April 7, 2015. Motion was seconded by Council Member Hurtado and passed unanimously.

**ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION****APPROVAL OF TRANSFER OF 2.26 ACRES FROM THE CALEXICO FOREIGN TRADE ZONE DESIGNATION TO JE EXPORTS LOCATED AT 701 CESAR CHAVEZ BLVD. AND 224 GRANT STREET, CALEXICO.**

David Harlow, Foreign Trade Zone Consultant for the JPA stated this item is to take current Foreign Trade Zone and transfer it to another area so they may take advantage of the zone benefits.

Mayor Pro Tem Kim asked if they would be changing it to a new area.

Councilman Real asked if it is renaming the zoning to receive tax benefits. He was informed that there are no businesses utilizing the current zone at this time and the area to which the zone is moving to does have businesses that are ready to take advantage of the benefits.

City Manager Warne stated this is good for economic development.

Motion was made by Council Member Real, seconded by Mayor Moreno and passed unanimously to approve the transfer of 2.26 acres from the Calexico Foreign Trade Zone designation to JE Exports located at 701 Cesar Chavez Blvd. and 224 Grant Street, Calexico.

**11. APPROVE TDA RESOLUTIONS AND CLAIMS:**

**A) TDA ARTICLE 8(E) APPLICATION, CLAIM AND RESOLUTION FOR \$17,647.00.**

**B) TDA ARTICLE 8(E) APPLICATION, CLAIM AND RESOLUTION FOR \$25,000.00.**

**C) TDA ARTICLE 3 APPLICATION, CLAIM AND RESOLUTION FOR \$30,707.00.**

City Manager Warne advised these funds come from a quarter cent tax statewide and these are funds allocated to the City and require the passing of resolution to claim the funds.

Motion by Council Member Real, seconded by Mayor Moreno to approve RDA Resolutions and Claims. Motion passed unanimously.

**(1) CONSIDERATION OF POTENTIAL CALEXICO CODE OF ETHICS VIOLATIONS BY COUNCIL MEMBER LUIS CASTRO AND (2) CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO REPRIMANDING AND CENSURING COUNCIL MEMBER CASTRO FOR VIOLATING THE CITY OF CALEXICO CODE OF ETHICS AND STRIPPING HIM OF ALL CITY COUNCIL ASSIGNMENTS.**

City Manager Warne stated there is a staff report stating what has happened and the citizens have a video that they would like to show. He recommended the citizens be allowed to show the video. City Manager stated the video is graphic and stated persons who are easily offended or have children may want to leave the chambers.

Citizens presented video with conversation between Mr. Abelardo Perez and Council Member Castro. Maribel Padilla spoke about the past meeting when Mayor Moreno dismissed the reprimand and 12 other people who supported the reprimand were not considered. She stated that only in Calexico can the compadres shake hands and everything is over with. She spoke about giving Mr. Castro a second hand and an olive branch and we all know what he did with the olive branch. She asked at what point Calexico becomes professional. She pointed out that Mr. Perez is a citizen and has a business in Calexico and Council Member Castro has constantly voted against him. She pointed out that Mr. Perez was upset because Council Member Castro was the first one to use profanity. Ms. Padilla pointed out that Council Member Castro is supposed to be above this since he signed the code of ethics.

Abelardo Perez spoke about the incident in the video and he spoke about Council Member Castro's actions. He spoke about bringing his transportation items to the Council. He stated he asked Council Member Castro to recues himself on his transportation items. He spoke about Council Member working on the buses and stated he is trying to prove he has a conflict of interest.

Benjamin Horton stated the people put elected officials to high standards and should let their performance speak for itself. He stated the people expect the Council Members to be leaders and to do and be above reproach. He spoke about standards and expects Council to police their own, to do what has to be done and send a message to the public. City officials should be the example.

Janine Farias spoke about Council Member Castro's gesture towards Mrs. Padilla. She expressed her embarrassment for his actions.

Giovan Castro asked who would censure Mrs. Padilla and her vulgar language and the lies told by Mr. Abelardo Perez against him.

Persons who support the censuring of Council Member Castro but do not want to speak: Mrs. Sosa and Mrs. Francina De Necochea Gonzalez.

Sughey Quezada 1233 P. Rashid Street, stated there has been a fight and asked the City Council Members and community to work together. She pointed out this is not the place to show this type of video. She stated that everyone knows that video cannot be relied on because they can be photo shopped. She stated she brought her son to show him about the City and she did not like the fact that she had to leave the chambers. We need to work together to beautify the City, the Streets, the

downtown and all should be responsible for what we say and do and would like to see collaboration.

Marlene Thomas stated that she takes no sides and likes all and deals with the issues. She stated the need to speak about leadership and the absence of leadership because of the fighting. She stated the people outside of Calexico do not look at Kim or Castro, they look at all of you and you need to get together as leaders. She stated to strip someone is ridiculous, this man has been elected, six months after there is a recall and it fails, and this is an obsession and this needs to stop. Calexico is an economic disaster area with no banks, schools are in trouble and all you talk about is Castro and the buses. She asked for evidence that he owns the transportation company other than a video and asked that they step forward and present the documentation.

Mayor Pro Tem Kim agree with community members that we should take care of business for the citizen's benefit and not fighting each other.

Mayor Pro Tem Kim read a letter to the public:

From: Joong S. Kim

To: Gabriela Garcia, Deputy City Clerk  
Richard Warne, Interim City Manager  
John Moreno, Mayor  
608 Heber Avenue  
Calexico, CA 92231

Steve E. Boehmer, City Attorney

4/21/2015

Dear Deputy City Clerk,

Regarding City Calexico Resolution No. 2015-08 which was PASSED, ADOPTED AND APPROVED on Feb. 03, 2015 by the City Council of the Calexico.

I, Joong S. Kim, City Councilman HEREBY RESCOND my vote and signature on this issue.

As I have discovered along with many others this RESOLUTION was a fraud and is being used as a political tool to humiliate people. I am not playing the game and I will tell the truth. Its not being used for the public good. All I am witnessing his hypocrisy and false statements.

Signed: Joong S. Kim

Hurtado stated the issue is that anger by citizens is because in the past there have been several issues on transportation in Calexico. She stated that each item that has been come up on the agenda has been a fight where certain Council Members have embarrassed persons and Agencies who have come to the City including Mr. Mark Baza, a person who is well regarded in the Transportation area. She pointed out that every company that has come to Calexico for

transportation they are show down, humiliated and intimated and all because there are special interests going on in this Council. She stated she believed this is where you see the anger in the citizens with the conflict of interest that exists. Council Member Hurtado stated the conflict of interest rules exist so that the Council Members do not vote with special interests in mind. She stated that when a Council Members have a conflict they should remove themselves. She stated the anger comes from the Council not respecting the community because of the conflicts that exist.

Council Member Castro read letter to the public and apologized to the Community for his offensive language but stated he was not apologizing to Mr. Perez. He stated he filed a police report and he was informed by the police department that this report goes to the District Attorney's office. He stated that back in December Mr. Perez's wife stopped her bus in the middle of the street and took pictures of him and this is harassment. He believed the majority of this Council does not want to see this type of videos in the Council Chambers. He stated that in 2008 his son bought the business and since then he is the owner and people still state there is a conflict of interest. Council Member Castro spoke about being harassed and once again apologized to the community for using offensive language. He stated he respects his people and his colleagues' decision and he is mature enough to confront the problem.

Council Member Hurtado called for the question. Call for the question died due to lack of second.

Council Member Real stated he feels this is a new council even though some of the members have been here for many years and quoted "Those who look only to the past or the present are certain to miss the future." He stated that as Council Members they should not be screaming foul language to people on the streets. He further stated he has been harassed from time to time and it takes a bigger person to say, I'm the elected official and I will restrain myself from making a fool of myself." Council Member Real expressed his shock at how the Council is so divided, however, he is still trying to work together with the Council Members and trying to get along. He stated the Council should be ashamed to have this item on the agenda and the Council should agree to disagree and move forward.

Mayor Moreno stated he is disappointed and this could have been avoided had Mr. Castro had the clear conscious to step down when it was a transportation issue. He stated it is not for the Council to prove it is not his transportation, it is for him to step down. Mayor Moreno commented on an item on the agenda related to Wells Fargo, which is where his brother is employed, and he pointed out he stepped down because he does not to be perceived as having a conflict of interest. Mayor Moreno commented on the incidents with transportation items on the agenda and stated that if Council Member Castro had removed himself from the items on transportation, many of these situations could have been avoided.

A motion by Mayor Pro Tem Kim not to approve the item. Motion died due to lack of second.

Motion was made by Council Member Real to approve the resolution to reprimand and censure and leave him on the committees. Motion was second by Council Member Hurtado.

Council Member Castro requested clarification on the motion. City Attorney Boehmer stated this is a public reprimand.

Motion passed by the following vote to wit:

AYES:	Real, Hurtado, Moreno
NOES:	Kim
ABSENT:	None
NO VOTE:	Castro

Council took a recess at 8:47 p.m.

Council returned from recess at 9:00 p.m.

**APPROVE AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS BETWEEN BORDERTOWN INVESTMENTS, LP AND THE CITY OF CALEXICO SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY MANAGER AND BY CITY ATTORNEY.**

City Manager stated the Gran Plaza Developer wants to move forward with phase 1B and 2A and have submitted plans for the building and engineering and the environmental document is being circulated. He further stated that in order for this project to move forward there needs to be a land exchange and it involves of one parcel, represented by the blue parcel, for three parcels, represented by parcels in purple, green and yellow as depicted on the map presented. This means the City will exchange 20.31 acres for 24.52 acres of land owned by Bordertown Investments, LP which means we are getting more property in the exchange. In addition, the City had an independent appraisal conducted for the both properties to ensure that the City received either comparable value or more value in the exchange and the tax payers do not lose anything. He reported that the exchange comes to the City at an increase of \$ 195,000 dollars. City Manager stated Staff recommends that Council Approval contingent upon approval of the City Manager and City Attorney.

Council Member Real asked if the appraisal was performed based on the square footage method and asked if a highest and best use was in the appraisal.

Public Works Director/City Engineer Servin stated there was an in depth appraisal of the properties and it was based on square footage. He informed there was an appraisal and a consultant who reviewed the appraisal.

Council Member Hurtado moved for approval of the Agreement for the Exchange of Real Property and Joint Escrow Instructions between Bordertown Investments, LP and the City of Calexico subject to final review and approval by the City Manager and by the City Attorney. Motion was seconded by Mayor Moreno for discussion.

Mayor Pro Tem Kim stated Council Member Real made a point and sometimes the value depends on the location and size and location is very valuable. He stated when you change the value and land sometimes value is higher. Mayor Pro Tem Kim expressed his concern on losing value on the land due to the switch.

Council Member Real stated that a larger parcel of land is worth more than three parcels, and he supports because Gran Plaza brings jobs to the City, but if we approve it and if Gran Plaza does not do anything, can it revert to the City. Mr. Servin stated that if in eight (8) years they do not build anything on the property then it reverts back. He also informed that they must come back in two years for an extension and the City is already reviewing plans. Motion passed by the following vote to wit:

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

### **DISCUSSION AND POTENTIAL CITY COUNCIL GUIDANCE REGARDING DUST CONTROL COVERING FOR AUTO STORAGE AND PARKING LOTS.**

Mr. Servin stated the current ordinance is vague and felt this should be sent to planning commission for review and recommendation and then be brought back to council for approval.

Council Member Real asked if this was the protocol on these matters. Mr. Servin advised this is the current protocol. Council Member Real asked about the all-weather surfaces and if the City is asking for parking lots to have black top or cement then there is nothing for the City to do or is staff asking for direction to implement.

Nick, Argument can be made that the surface could also be DG or Class 2 base or other surface that wears well under inclement weather.

City Manager Warne stated that if the Council wanted hard surface then Council could amend the definition remove "all weather". This would still have to go back to Planning for review and for a public hearing and return to Council for approval.

Mayor Pro Tem Kim stated Council should refer the item to the Planning Commission.

City Council concurred with recommendation and referred the item to Planning Commission.

### **APPOINTMENT OF A RESIDENT COMMISSIONER TO THE CALEXICO HOUSING AUTHORITY.**

Motion by Castro to appoint Mario Acevedo. Motion died due to lack of second.

Arturo Rioseco, 825 E. Second Street, Calexico reminded the Council that this is the fourth meeting that you have not made a decision. He stated the housing commission is going through a difficult time and urged the Council to make the appointment. He urged the Council not to appoint commissioners with a political motive. They should appoint the best person in that position. He recommended Mr. Mario Acevedo for the commission because he is a good candidate. He stated the budget does not belong to the City, it belongs to the Housing Authority through the Federal Government.

Council Member Real asked for clarification as to whether this appointment for the Housing Authority had anything to do with the newly passed ordinance for commissions. City Manager Warne stated this is totally separate plus it is an appointment by the entire City Council.

John Romo, resident of Calexico stated the housing authority is not an extension of the City Council. He stated he did not apply because he does not deal with personalities and he deals with respect and addressed the reasons why he did not apply for the resident commissioner position. He asked the Council pick the best candidate and he vouched for Mr. Acevedo.

Council Member Real made a motion to appoint Mario Acevedo to the Housing Authority Board. Motion was seconded by Mayor Pro Tem Kim and passed by the following vote to wit:

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

**APPOINTMENT BY COUNCIL MEMBER REAL TO THE STREET NAMING COMMITTEE.**

Council Member Real appointed on Jessie Gallardo to the Street Naming Committee.

**ADJOURNMENT**

There being no further business, meeting was adjourned at 9:18 p.m.

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John M. Moreno, Mayor

ATTEST:

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Gabriela T. Garcia, Deputy City Clerk

**THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY MET IN REGULAR SESSION ON THE 17<sup>TH</sup> DAY OF AUGUST, 2010 6:30P.M. AT THE CHAMBERS, 608 HEBER AVENUE, CALEXICO, CALIFORNIA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.**

**REGULAR SESSION – 6:30P.M.**

**CALL TO ORDER**

The regular session portion of the agenda was called to order at 6:35p.m. by Mayor Moreno.

**ATTENDANCE**

Mayor: John M. Moreno  
Mayor Pro Tem: Luis J. Castro  
Councilman: Daniel F. Romero  
Councilwoman: Maritza Hurtado  
Councilman: Bill Hodge

**PLEDGE OF ALLEGIANCE**

Councilwoman Hurtado led those present in the Pledge of Allegiance

**APPROVAL OF AGENDA**

Motion was made by Councilman Romero to approve the agenda, seconded by Councilwoman Hurtado and passed by the following vote to wit:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ANNOUNCEMENTS/PUBLIC APPEARANCES/PUBLIC COMMENTS:**

Eric Reyes commented that the City of Brawley and the City of El Centro are having their City Council meetings on the same days as the City of Calexico. He stated that he was not able to attend last Wednesdays Special City Council and requested a copy of the minutes but was advised that they were not available. Mr. Reyes inquired as to why minutes are not available.

Carmen Estrada expressed her concerns over someone in the audience criticizing the program she has worked long and hard in. She thanked Mayor Pro Tem Castro for encouraging her to continue overseeing the program. She also thanked Councilman Hodge, Councilwoman Hurtado and Mayor Moreno.

**GENERAL COMMENTS BY COUNCIL MEMBERS/RDA BOARD MEMBERS**

No comments by Council Members/RDA Board Members.

**PRESENTATIONS: HEFFERNAN BOARD PRESENTATION TO CALEXICO RECREATION DEPARTMENT SENIOR WELLNESS PROGRAM**

The Heffernan Board along with Joint Powers Authority (JPA) presented a \$25,000 check to the Calexico Recreation Department for their Senior Wellness Program.

Sandra Tauler, Community Services Director thanked the Heffernan Board and JPA for their generous donation.

Mayor Moreno thanked the Heffernan Board and JPA for their generous donation.

**GENERAL FUND DEPARTMENTS****CONSENT**

Motion was made by Councilman Romero, seconded by Councilman Hodge to approve consent agenda consisting of the following: Approve Claim Rejection – Tirado v. City of Calexico; Approve Affidavit of Warrants paid for July 2010; Adopt a resolution in support of the Cesar Chavez Blvd./Calexico West Port of Entry Congestion Improvements to facilitate grant applications for additional funding; Adopt resolution authorizing the City Manager to accept the street dedication of Del Norte Street and Playa Del Norte Street to the City; Authorize Calexico Police Department to see retired Police Canine “Arras” to his handler Office Armando Orozco; Adopt resolution related to April 4, 2010 earthquake and aftershocks and ratification of various emergency actions: A) Approving declarations issued by City Manager related to the earthquake emergency B) Declaring the continuing existence of the local emergency; suspending the public bidding requirements; and ratifying the expenditures and contracts by the City Manager since April 4, 2010; Adopt resolution to extend provisions of California Penal Code section 396 relating to unfair business practices within the City of Calexico during and shortly after the proclamation of a state emergency for an additional thirty day period; Adopt Ordinance by title only, waive full reading, of ordinance regarding Sales Tax Citizen Advisory Committee; Adopt Zoning Ordinance Text Amendment No. 2009-02 (Sign Ordinance Update) by title only, waive full reading of ordinance repealing various sections of the Municipal Code pertaining to signs and replacing them with a new Updated Sign Ordinance (zoning Ordinance Text Amendment No. 2009-02; Authorize City Manager to sign agreements with the On the Job Training Program as recommended, motion passed by the following vote to wit:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ITEM NO. 3 – FINANCIAL REPORT FOR THE MONTH OF JUNE, 2010**

Councilman Romero stated that he has several questions and inquired why this item is under consent agenda instead of informational item or business discussion.

Judy Hashem, Finance Director informed Councilman Romero that she did not place the item under consent that it was the City Clerk's office.

Councilman Romero stated that the report is a preliminary report and inquired when the final report would be ready.

Finance Director Hashem stated that the final report will be ready by the end of September, if not, before.

Councilman Romero stated that if this is not the final report than why does staff need the preliminary report to be approved.

Finance Director Hashem informed Councilman Romero that the preliminary report does not need to be approved, it is only for City Council information.

Motion was made by Councilman Romero to approve Financial Report for the month of June, 2010. Motion seconded by Mayor Pro Tem Castro and passed by the following:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None

**ITEM NO. 4 – ADOPT RESOLUTION APPROVING THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2010-11; AND ACCEPT THE INVESTMENT REPORTS FOR QUARTERS ENDING DECEMBER 31, 2009 THROUGH JUNE 30, 2010**

Councilman Romero inquired why Julia Osuna is part of the committee.

Victor Carrillo, City Manager informed Councilman Romero that before Mrs. Osuna worked for the City she managed a local bank and based on her banking background and experience she was selected to be part of the committee.

Motion was made by Councilman Romero to adopt resolution approving the statement of investment policy for fiscal year 2010-11; and accept the investment reports for quarters ending December 31, 2009 through June 30, 2010. Motion seconded by Mayor Pro Tem Castro and passed by the following:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None

**ITEM NO. 13 – APPROVE CHANGE ORDER NO. II TO THE EXISTING CONTRACT WITH AGGREGATE PRODUCTS INC. (API) FOR ADDITIONAL CONSTRUCTION WORK REQUIRED TO THE EMERSON AVENUE REHABILITATION PROJECT (ARRA) AND AUTHORIZE THE FUNDS AS OUTLINED IN THE FISCAL IMPACT SECTION. A TIME EXTENSION OF 90 DAYS IS TO BE APPROVED FOR THE ADDITIONAL CONSTRUCTION WORK.**

Councilman Romero inquired if the funds being used for this project are Measure D and if the City needed to spend the funds before the City can ask for reimbursement.

Veronica Atondo, City Engineer informed Councilman Romero that Measure D funds are being used for this project and the funding has already been given to the City through the annual allocation.

Motion was made by Councilman Romero to approve Change Order II to the existing contract with Aggregate Products Inc. (API) for additional Construction work required to the Emerson Avenue Rehabilitation Project (ARRA) and authorize the funds as outlined in the Fiscal Impact Section. A time extension of 90 days is to be approved for the additional construction work. Motion seconded by Mayor Pro Tem Castro and passed by the following:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None

**BUSINESS ITEMS**

**ITEM NO. 14 – AUTHORIZE CITY MANAGER TO SIGN AGREEMENT TO LEASE PART OF THE SENIOR HALL TO CATHOLIC CHARITIES FOR SERVING MEALS TO SENIOR CITIZENS**

Motion was made by Councilman Romero to authorize City Manager to sign agreement to lease part of the Senior Hall to Catholic Charities for serving meals to senior citizens. Motion seconded by Mayor Pro Tem Castro and passed by the following:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None

**ITEM NO. 15 – CONSIDER AUTHORIZING THE RE-HIRE OF 2 PERMANENT PART TIME POSITIONS AT THE LIBRARY TO BE ABLE TO KEEP THE BUILDINGS CLEAN AND TO KEEP THE CARNEGIE TECH CENTER OPEN TO THE PUBLIC**

Motion was made by Councilman Romero to authorize the re-hire of 2 permanent part time positions at the Library to be able to keep the buildings clean and to keep the Carnegie Tech Center open to the Public. Motion seconded by Mayor Pro Tem Castro and passed by the following:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None

**ITEM NO. 16 – CONSIDER AUTHORIZING THE RETAINING OF THREE (3) PERMANENT PART TIME PARKING ENFORCEMENT/TRAFFIC CONTROL PERSONNEL**

Motion was made by Councilman Romero to authorize the retaining of three (3) permanent part time Parking Enforcement/Traffic Control Personnel. Motion seconded by Mayor Pro Tem Castro and passed by the following:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None

**ITEM NO. 17 – ON SITE LABOR CONTRACT – IN LIEU OF CANCELLING CONTRACT, CONSIDER ENDING ALL ASSIGNMENTS EXCEPT REDEVELOPMENT AGENCY**

Rosalind Guerrero, Human Resources Director recommended that the City Council allow the contract to expire on September 2, 2010, and allow the Human Resources Department to hire personnel for any position that is authorized by City Council.

Councilman Hodge stated that he would like to table this item.

City Council tabled Item No. 17.

**ITEM NO. 18 – SALES TAX CITIZEN ADVISORY COMMITTEE APPOINTMENT BY MAYOR PRO TEM CASTRO**

No appointment made.

**ITEM NO. 19 – DISCUSS POSSIBLE CITY REORGANIZATION/CONSOLIDATION**

City Manager Carrillo informed that City Council that there is a goals and objective workshop scheduled for August 28, 2010 at Enrique “Kiki” Camarena Library. He said that during the workshop the City Council and Department Heads will be able to ask and answer questions. At the end of the workshop the City will be able to establish a three (3) year plan.

Councilman Hodge stated that he would like to work on two (2) main areas: top heavy salary for management and internal control.

City Manager Carrillo provided a copy of the current organizational chart to the City Council and informed them that they will review the organizational chart on August 28, 2010, workshop.

**ITEM NO. 20 – DISCUSS SCHEDULING WORKSHOPS REGARDING THE CITY’S GENERAL PLAN**

Councilwoman Hurtado inquired if the workshop could be more than three (3) hours. She feels that three (3) hours is very limited.

City Manager Carrillo said he will request that the workshop be longer.

Councilman Hodge agrees with Councilwoman Hurtado and said that maybe the workshop could be broken down to two (2) Saturdays.

**INFORMATION****ITEM NO. 21 – PRESENTATION BY VARIOUS DEPARTMENTS REGARDING THEIR RESPECTIVE BUDGETS, FUNCTIONS AND SERVICES TO THE COMMUNITY. DEPARTMENTS PRESENTING ARE: COMMUNITY DEVELOPMENT SERVICES DEPARTMENT, COMMUNITY SERVICES DEPARTMENT AND FIRE DEPARTMENT**

Police and Fire Department presentation was tabled to August 31, 2010.

Armando Villa, Community Development Director made a PowerPoint presentation regarding Community Development Services Department organization and budget for FY 2010-2011.

Sandra Tauler, Community Services Director made a PowerPoint presentation regarding Community Services Department organization and budget for FY 2010-2011.

**ITEM NO. 22 – CITY OF CALEXICO GOALS AND OBJECTIVES WORKSHOP SCHEDULED FOR AUGUST 28, 2010**

Mayor Moreno informed the public that the City of Calexico goals and objectives workshop is scheduled for August 28, 2010, at Enrique “Kiki” Camarena Library.

**ENTERPRISE FUND DEPARTMENTS****BUSINESS****ITEM NO. 23 – CONSIDER AUTHORIZING DIRECTOR OF UTILITY SERVICES TO HIRE UP TO FIVE (5) TEMPORARY PART-TIME FUEL LINEMEN FOR THE OPERATION OF THE CALEXICO INTERNATIONAL AIRPORT. IF COUNCIL CHOOSES TO AUTHORIZE, ADOPT BUDGET AMENDMENT RESOLUTION**

Luis Estrada, Director of Utility Services informed that City Council that as per the cancelation of the labor contract he is requesting that the City Council authorize the Utility Services Department to hire up to five (5) temporary part-time Fuel Linemen for the Calexico International Airport.

Mayor Moreno inquired if the Fuel Linemen need special training to work at the Airport.

Director of Utility Services Estrada informed Mayor Moreno that the Fuel Linemen do require special training which includes fueling different airplanes, using the Unicom and checking oil.

Councilman Romero said that he needs more time to review the additional information that was provided at tonight's City Council meeting in order to see that these expenses are within budget.

Councilman Hodge stated that he agrees with Councilman Romero that they need more time to review additional information.

Motion was made by Mayor Moreno to authorize Director of Utility Services to hire up to five (5) temporary part-time Fuel Lineman for the operation of the Calexico International Airport. Motion was not seconded, therefore, motion died.

City Council tabled Item No. 23.

## **INFORMATION**

### **ITEM NO. 24 – FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CALEMA) LIST OF PROJECTS**

Councilman Hodge inquired if FEMA is able to help businesses.

City Manager Carrillo informed Councilman Hodge that when he went to the emergency center with other cities and the County of Imperial they only addressed public agencies, businesses would need go through small businesses administration loan process.

City Council acknowledged receipt Federal Emergency Management Agency (FEMA) and California Emergency Management Agency (CALEMA) list of projects.

### **ITEM NO. 25 – FUTURE AGENDA ITEMS**

Mayor Moreno requested an update on Townsend grants and Casino. He also would like to see what the City can do to construct swimming pool. He stated that back in March there was a meeting where an athletic complex/joint use facilities was discussed and would like to open that up for discussion again.

Councilman Romero requested an agreement be developed between the City and any employment agency where certain conditions are met by the third party agency. He thanked staff for constructing the agenda by funds.

Councilman Hodge requested an item on the agenda to revisit the two-way traffic on Second Street. He invited the President of the Calexico Chamber of Commerce to give a report on their goals, objectives, revenue, expenditures, and accomplishments.

**REDEVELOPMENT AGENCY**

**CONSENT**

Motion was made by Councilman Romero, seconded by Councilman Hodge to approve consent agenda consisting of the following: Adopt a resolution appointing a Project Manager and Board Subcommittee for the Calexico Gran Plaza Project, motion passed by the following vote to wit:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None

**ADJOURNMENT**

There being no further business the meeting adjourned at 11:52p.m.

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John M. Moreno, Mayor

Attest:

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Lourdes Cordova, City Clerk

**THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY MET IN REGULAR SESSION ON THE 6<sup>TH</sup> DAY OF JULY, 2010 6:30P.M. AT THE CHAMBERS, 608 HEBER AVENUE, CALEXICO, CALIFORNIA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.**

**REGULAR SESSION – 5:30P.M.**

**CALL TO ORDER**

The regular session portion of the agenda was called to order at 6:30p.m. by Mayor Ouzan.

**ATTENDANCE**

Mayor: David B. Ouzan  
Mayor Pro Tem: John M. Moreno  
Councilman: Daniel F. Romero  
Councilman: Guillermo Hermosillo

**ABSENT**

Councilman: Luis J. Castro  
*(Councilman Castro arrived at 6:35p.m.)*

**PLEDGE OF ALLEGIANCE**

Erica LaCuesta, Deputy City Clerk led those present in the Pledge of Allegiance

**APPROVAL OF AGENDA**

Motion was made by Councilman Hermosillo to approve the agenda, seconded by Councilman Romero and passed by the following vote to wit:

AYES: Ouzan, Moreno, Romero, Hermosillo  
NOES: None  
ABSENT: Castro  
ABSTAIN: None

**ANNOUNCEMENTS/PUBLIC APPEARANCES/PUBLIC COMMENTS:**

Lorena Romero and Suzanne Castro from Imagine School shared information to the City Council and those present about their new charter school located in the Imperial Valley and requested to be placed on the next City Council agenda to give a full presentation about their school.

*Councilman Castro arrived at 6:35p.m.*

**ITEM NO. 1 – APPROVAL OF RESOLUTION NO. 10-79 RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, JUNE 8<sup>TH</sup>, 2010 DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW**

Motion was made by Mayor Pro Tem Moreno to approve Resolution No. 10-79 reciting the fact of the General Municipal Election held on Tuesday, June 8<sup>th</sup>, 2010 declaring the results and such other matters as provided by law. Motion seconded by Councilman Hermosillo and passed by the following:

AYES: Ouzan, Moreno, Castro, Romero, Hermosillo  
NOES: None  
ABSENT: None

### **SWEARING OF NEWLY ELECTED CITY COUNCIL PERSONS**

Victor Carrillo, City Manager introduced Honorable Judge Poli Flores and stated that he would administer the oath to the newly elected City Council Members.

Honorable Judge Flores administered oath of office to newly elected Councilwoman Maritza Hurtado.

Honorable Judge Flores administered oath of office to newly elected Councilman Bill Hodge.

### **PRESENTATIONS TO OUT-GOING COUNCILMAN AND MAYOR**

Mayor Pro Tem Moreno presented Councilman Hermosillo with a plaque for his seven months of service as member of the City Council of the City of Calexico.

Mayor Pro Tem Moreno presented Mayor Ouzan with a plaque for his eight years of service as member of the City Council of the City of Calexico. He thanked him for his years of service and leadership.

### **COMMENTS BY OUT-GOING COUNCILMEN**

Councilman Hermosillo thanked the City Council for appointing him as Council Member and stated that he would do it all over again if he was asked to do it again. He said it was a lot of work but worth it. Councilman Hermosillo thanked City Manager Carrillo and City staff.

Mayor Ouzan said he had the honor of servicing as Council Member for eight years and twice as Mayor. He thanked everyone for their support. Mayor Ouzan stated that City staff is professional and very capable and thanked them. He also thanked each of the City Council. He stated that his colleague gave him confidence and despite their difference and positions they worked together for the good of all the citizens. He congratulated the newly elected Councilwoman Hurtado and Councilmen Hodge and he said that he believe that they are capable of doing a good job and informed them that if they ever need his assistance he will be there to help them. He concluded by saying that the City of Calexico will have a strong leadership with Councilman Moreno as new Mayor.

Mayor Ouzan and Councilman Hermosillo stepped down from the dais.

Councilwoman Hurtado and Councilman Hodge took their seat in the dais.

## **REORGANIZATION**

### **APPOINTMENT OF MAYOR FOR THE YEAR 2010-2011**

Councilman Romero nominated Mayor Pro Tem Moreno as Mayor of the City of Calexico.

Motion was made by Councilman Romero to appoint Mayor Pro Tem Moreno as Mayor of the City of Calexico. Motion seconded by Councilman Hodge and passed by the following:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None

### **APPOINTMENT OF MAYOR PRO TEM FOR THE YEAR 2010-2011**

Councilman Romero nominated Councilman Castro as Mayor Pro Tem of the City of Calexico.

Motion was made by Councilman Romero to appoint Councilman Castro as Mayor Pro Tem of the City of Calexico. Motion seconded by Councilwoman Hurtado and passed by the following:

AYES: Moreno, Castro, Romero, Hurtado, Hodge  
NOES: None  
ABSENT: None

## **COMMENTS BY INCOMING COUNCIL PERSONS**

Councilwoman Hurtado thanked those present for accompanying her on this special evening. She said that she was the third Councilwoman of the City of Calexico and she is very proud of it. She said she had a lot of support from her family and friends. She will make sure to make her town proud. She will have four years to speak her mind and will not be limited to three minutes in the podium as she has done in the past. She stated that she will hopefully contribute to improving the City and day by day getting a real hard job done. She stated that the City Council needs to work hard together and she confident that it will happen. Councilwoman Hurtado said she was a team player and is proud to have been elected as a Council member and she takes her position very seriously. She looks forward to the hard work. She thanked the community for all their support and hopes that they will continue giving her their support.

Councilman Hodge stated that it was a new day for Calexico. He believe that the City has turned the corner in Calexico politics and governance. He is confident that this new City Council will make sure that the peoples voice will be heard and respected. Councilman Hodge stated that he will keep his promise to work hard for transparency, integrity and accountability in the City's governance. He thanked his children, Jason and Isabel, for their support and his campaign team for working very hard. He also thanked Calexico citizens and the voters for their confidence in him. Councilman Hodge stated that he will not let them down. He said he will make mistake but

will correct them. He will listen to the citizens and move forward. Councilman Hodge said he is looking forward and working with his fellow Council Members in team building, striving for consensus and making Calexico the best that they can.

Councilman Romero echoed Councilman Hodge comment on being a new day for Calexico. He said that the City Council will strive to work together to make the City of Calexico a better City. Councilman Romero welcomed Councilman Hodge and Councilwoman Hurtado.

Mayor Pro Tem Castro congratulated Councilwoman Hurtado and Councilman Hodge. He said that now they are public officials and represent the City of Calexico. He expects that they can work together as a team. Mayor Pro Tem Castro also thanked Councilman Romero and Council Members for appointing him as Mayor Pro Tem of the City of Calexico.

Mayor Moreno congratulated Councilwoman Hurtado and Councilman Hodge. He said that he knows that they will do a very good job and are a welcome addition to the City Council. He thanked former Mayor Ouzan, Councilman Hermosillo, Councilman Castro and Councilman Romero for providing the necessary leadership with him the last two years which have not been easy. He gave a big thanks to City Manager Carrillo, Department Heads, municipal and public safety employees who service the City's residents and where there during the natural disaster and did not stop until the job was done. Mayor Moreno thanked his parents who were in the audience and raised five wonderful children. He also thanked his brothers, sister, children, nieces and nephews. He stated that two years ago when he was elected to be a Council Member he vowed to leave Calexico better than how he found it. He said that it doesn't look very promising right now. He found out the sitting in the dais is not easy as he thought. He stated that as policy makers they must make choices for the betterment of the community with the economic downturn and the natural disaster from the Easter Sunday earthquake, the City has come to terms and identified the crisis that the City faces. He would like the City to focus on the positives and recognize the opportunities that the City is facing in these times of calamity. He stressed that the struggle that the City is encountering will only make the City stronger.

Mayor Moreno said that the City's budget is the roadmap that allows the City to provide services that the residents of Calexico deserve. He stated that there is a shortfall unlike the City has ever seen and resources as limited but the City needs to cut spending across the board. He said one of the jobs of City Council is to find ways to increase sales tax revenues and he believes the City is on the threshold of doing that. He stated that it will not happen overnight but it will happen. He looks forward to the development of a new casino on the north end of town that will bring jobs, revenue and a new form of entertainment. As well as the development of an outlet center that will create more jobs and compliment downtown Calexico. He also looks forward to the implementation of Measure H which will assist in public safety, recreation and other areas of concern. He said that he looks forward in working with other public agencies and enterprise zones. Mayor Moreno said that all of these things need to happen through town hall meetings and workshops. In addition, the City must finalize the Strategic Plan with Department Heads and the community. In closing, he would like to eliminate the phrase "only in Calexico" and have the City become the jewel of the Imperial County.

## CONSENT

Motion was made by Councilman Romero, seconded by Mayor Pro Tem Castro to approve consent agenda consisting of the following: Authorization for City Clerk to advertise vacancies on all City Boards, Commissions and Committees pursuant to Calexico Municipal Code Section 2.19.010 and authorization for existing appointees to remain in office until July 20<sup>th</sup>, 2010; Adopt resolution related to April 4, 2010 earthquake and aftershocks and ratification of various emergency actions: A) Approving declaration issued by City Manager related to the Earthquake emergency B) Declaring the continuing existence of the local emergency; suspending the public bidding requirements; and ratifying the expenditures and contracts by the City Manager since April 4, 2010, motion passed by the following vote to wit:

AYES: Moreno, Castro, Romero, Hurtado, Hodge

NOES: None

ABSENT: None

ABSTAIN: None

### **ADJOURNMENT**

There being no further business the meeting adjourned at 7:03p.m.

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John M. Moreno, Mayor

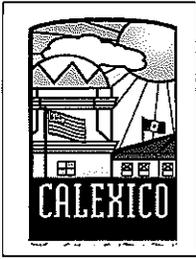
Attest:

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Erica LaCuesta, Deputy City Clerk

**AGENDA  
ITEM**

**6**



# AGENDA STAFF REPORT

**DATE:** May 5, 2015

**TO:** Mayor and City Council

**APPROVED BY:** Richard N. Warne, Interim City Manager *Richard N. Warne*

**PREPARED BY:** Nick Fenley, Public Works Manager *Nick Fenley*

**SUBJECT:** Approve Revisions to Resolution 2014-88 of the City of Calexico Authorizing the City Manager or his/her Designee to Execute State Agreement and/or any Documentation Pertaining to Housing Related Parks (HRP) Program Grant

=====

**Recommendation:**

Recommend City Council approval of revisions to Resolution 2014-88, authorizing the City Manager or his/her designee to execute State Agreement and/or any documentation pertaining to HRP Program Grant.

**Background:**

On December 2, 2014, the City of Calexico applied for and received a State of California, Department of Housing and Community Development, Housing-Related Parks Funding, in the amount of \$ 593,925.00 and not of \$426,750.00, as previously approved in the Resolution for improvements to Rockwood Plaza and Heber Park. The state made us aware that we have been awarded additional points and is requesting an amended be made reflecting the correct amount, before funding allocation is approved.

**Discussion & Analysis:**

Recommend approval of the amended of Resolution No. 2014-88 pertaining to HRP Program Grant accepting funding allocations for park improvements.

**Fiscal Impact:**

\$593,925.00 Grant Revenue

**Coordinated With:**

None.



**Attachment:**

1. Resolution.

**RESOLUTION NO. 2014-88  
REVISION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO AUTHORIZING THE CITY MANAGER OR HIS/HER DESIGNEE TO EXECUTE A STATE AGREEMENT AND/OR ANY DOCUMENTATION PERTAINING TO HOUSING RELATED PARKS PROGRAM GRANT

WHEREAS, the City of Calexico is eligible to receive State of California, Department of Housing and Community Development (Department) issued a Notice of Funding Availability dated October 2, 2013 (NOFA), under its Housing-Related Parks (HRP) Program; and

WHEREAS, by Resolution No. 2014-88 of the City of Calexico, the City Manager or his/her designee (Applicant) was authorized to apply for a HRP Program Grant and submitted the 2013 Designated Program Year Application Package released by the Department of the HRP Program; and

WHEREAS, the Department is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement.

WHEREAS, the Department awarded Applicant an HRP Program Grant in the amount of ~~\$426,750.00~~ **\$593,925.00**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO DOES HEREBY RESOLVE, DECLARE, AND DETERMINE AND ORDER AS FOLLOWS:

1. The City Manager or his/her designee is hereby authorized to execute a State of California Standard Agreement (Standard Agreement), for an HRP Program Grant in the amount of ~~\$426,750.00~~ **\$593,925.00**, and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant from the Department, and all amendments thereto (collectively, the "HRP Grant Documents").
2. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.
3. That the City Manager or his/her designee is/are authorized to execute the HRP Grant Documents as required by the Department for participation in the HRP Program.

PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of May 2015.

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

Attest:

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

Approved as to Form:

\_\_\_\_\_  
Jennifer Lyon, City Attorney

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

I, Gabriela Garcia, Deputy City Clerk of the City of Calexico do hereby certify the above Amended Resolution No. 2014-88 was approved at a regular City Council meeting held on the 5<sup>th</sup> day of May 2015, by the following vote to-wit:

AYES:

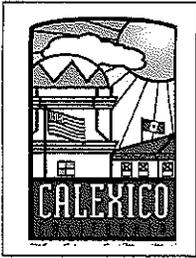
NOES:

ABSTAIN:

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

**AGENDA  
ITEM**

**7**



# AGENDA STAFF REPORT

**DATE:** May 5, 2015

**TO:** Mayor and City Council

**APPROVED BY:** Richard N. Warne, Interim City Manager *RW*

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

**SUBJECT:** Adoption of a Resolution of the City of Calexico Related to the Terms and Conditions for Fire Department Response Away from their Official Duty Station and Assigned to an Emergency Incident.

=====

**Recommendation:**

Approval of a Resolution of the City of Calexico related to the terms and conditions for fire department response away from their official duty station and assigned to an emergency incident.

**Background:**

The intent of resolution (signatories) to the CFAA to compensate California Fire and Rescue Mutual Aid System Agencies for the cost of assisting the State of California and the Federal Fire Agencies. The rates, methodologies, and formulas in the agreement are intended to provide for such costs. The compensation shall be consistent with the California Fire and Rescue Mutual Aid System Agency's normal internal business practices and any existing memorandum of understanding (MOU)/memorandum of agreement (MOA) or governing body resolution, or equivalent which supports those business practices.

**Discussion & Analysis:**

The city's fire department, along with allied agencies in the State of California participate in the California Mutual Aid System, whereby mutual aid is provided to requesting agencies with the understanding that the request will be reciprocal. This recent update of the CFAA agreement required formal adoption by resolution by the representative cities in order for their efforts to be compensated accordingly. The premise of the change is that local government needed to be made whole for their efforts and not cause a severe financial impact to their organizations.



By adopting this resolution the City will be reimbursed for the costs associated with providing equipment and personnel on mutual aid emergencies outside our operational area. Failing to adopt the resolution will default to the State reimbursement rate which is less than what is compensated to our employees.

**Fiscal Impact:**

The City will not be fully reimbursed for the costs of equipment and personnel when participated in mutual aid emergencies out of the operational area. Depending on the emergency activity from year to year it is a fair estimate that tens of thousands of dollars could be left on the table for reimbursable expenses.

**Coordinated With:**

None.

**Attachment:**

1. Resolution: Identifying the terms and conditions for fire department response away from their official duty station and assigned to an emergency.
2. Agreement for local government fire and emergency assistance to the State of California and Federal fire agencies.
3. MOU between the City of Calexico and the Calexico Firefighters Association.

RESOLUTION No. 2015- \_\_\_\_\_

A RESOLUTION OF THE CITY OF CALEXICO IDENTIFYING THE TERMS AND CONDITIONS FOR FIRE DEPARTMENT RESPONSE AWAY FROM THEIR OFFICIAL DUTY STATION AND ASSIGNED TO AN EMERGENCY INCIDENT.

WHEREAS, the Calexico Fire Department is a public agency located in the County of Imperial, State of California, and

WHEREAS, it is the City of Calexico's desire to provide fair and legal payment to all its employees for time worked; and

WHEREAS, the City of Calexico has in its employ, Fire department response personnel include: Fire Chief, Fire Captain, Engineer/Apparatus Operator, Firefighter/Paramedic, Firefighter/EMT; and

WHEREAS, the City of Calexico will compensate its employees portal to portal while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response; and

WHEREAS, the City of Calexico will compensate its employees overtime in accordance with their current Memorandum of Understanding while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response.

Now, Therefore, Be It Hereby resolved by the City of Calexico that:

1. Personnel shall be compensated according to Memorandum of Understanding (MOU), Personnel Rules and Regulations, and/or other directive that identifies personnel compensation in the workplace.
2. In the event a personnel classification does not have an assigned compensation rate, a "Base Rate" as set forth in an organizational policy, administrative directive or similar document will to compensate such personnel.
3. The Calexico Fire Department will maintain a current salary survey or acknowledgement of acceptance of the "base rate" on file with the California Governor's Office of Emergency Services, Fire Rescue Division.
4. Personnel will be compensated (portal to portal) beginning at the time of dispatch to the return to jurisdiction when equipment and personnel are in service and available for agency response.
5. Fire department response personnel include: Fire Chief, Fire Captain, Engineer/Apparatus/Equipment Operator, Firefighter/Paramedic, Firefighter/EMT.

PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of May 2015.

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

ATTEST:

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

I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico, hereby certify that Resolution No. 2015-\_\_\_\_ was duly passed at a regular meeting of the City Council of the City of Calexico held on the 5th day of May, 2015 by the following vote on roll call:

AYES:

NOES:

ABSENT:

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

S E A L

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF CALEXICO  
A N D T H E  
CALEXICO FIRE FIGHTERS' ASSOCIATION  
July 1, 2011— June 30, 2012**

This Memorandum of Understanding (MOU) is entered into by and between the Calexico Fire Fighters Association, International Association of Fire Fighters Local 1966 (Association) and the City of Calexico (City).

**ARTICLE 1 — RECOGNITION AND STATUS OF AGREEMENT**

**Section 1 — Recognition:** The City formally recognizes the Association as the exclusive bargaining agent for the bargaining unit composed of all persons employed full time for the City in the following classification: Firefighter, Engineer, Captain, and Fire Inspector.

**Section 2 — Ratification:** This MOU is of no force or effect until ratified and approved by the Association membership and by the City Council through a duly-adopted Resolution. Upon ratification, this MOU reflects the sole agreement of the parties thereto and supersedes all prior agreements whether written or oral. Prior to ratification of this MOU by both parties, the MOU previously in place will govern any matters.

**Section 3 — Scope of Representation:** The scope of representation is as set forth in City Council Resolution No. 2204, entitled: "Resolution of the City Council of the City of Calexico Pertaining to Employer-Employee Relations for the City of Calexico," dated 7/7/70.

**Section 4 — Rules and Regulations:** The Association agrees that all members of the bargaining unit shall comply in full with all Fire Department rules and regulations, including those relating to conduct and work performance, and the City's Personnel Rules and Regulations. The City agrees that all departmental rules and regulations which affect working conditions and performance shall be subject to the grievance procedure. During the 2005-2006 Fiscal Year, the bargaining unit shall assist the City in upgrading its Personnel Rules and Regulations. The bargaining unit shall assign a member to participate in a management-labor committee for the formulation of an amended set of City Rules and Regulation. No amendment to the Personnel Rules and Regulations shall amend or modify any provision found in this MOU.

## ARTICLE 2— MANAGEMENT RIGHTS

The City retains all its exclusive rights and authority under State law, and expressly and exclusively retains its management rights, which include, but are not limited to:

The exclusive right to determine the mission of its constituent departments; set standards and levels of service; determine the procedures and standards of selection for employment and promotions; direct its employees; discharge, suspend, demote, reprimand, withhold salary increases and benefits for disciplinary reasons, or otherwise discipline employees in accordance with applicable law; establish and modify employee performance and productivity standards including, but not limited to quality and quantity standards, and to require compliance therewith; determine style and/or types of City-issued wearing apparel, equipment or technology to be used; relieve its employees from duty because of lack of work, lack of funds, or other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; determine whether goods or services should be made, purchased, or contracted for; determine the content and intent of job classifications; determine methods of financing; determine and/or change the facilities, methods, technology, means, organizational structure and size and composition of the work force; determine and change the number of locations and types of operations, processes and materials to be used in carrying out all City functions; assign work to employees; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

The City's exercise, through its City Council and management representatives, of its rights shall not in any way, directly or indirectly, be subject to the grievance procedure. The Association retains the right to grieve whether any particular action constitutes a "management right" as defined here. The Association retains its rights under the Meyers-Milias-Brown Act (MMBA) to request to meet and confer to the extent that the City's exercise of any of these management rights has a significant impact upon the scope of bargaining.

## ARTICLE 3— EMPLOYEE AND ASSOCIATION RIGHTS

**Section 1 — Negotiation Team:** A maximum of three Association representatives shall be allowed time off for all scheduled meetings mutually set between City and Association.

**Section 2 — Bulletin Board:** The City agrees to furnish and maintain suitable bulletin board space in a convenient place within the Fire Department, <sup>1/4</sup> of which the Association may use to post notices and bulletins.

**Section 3 — Meetings/Documentation:** The City or the Association can call for a meeting within a reasonable amount of time. A strong effort shall be made to contact all

members of the Negotiating Team about the time, date, and place of meetings. The City agrees to distribute one copy of the following documents to the Association: Agendas and Minutes of all City Council meetings, Preliminary City Budget (Fire Department Budget) and Final City Budget.

**Section 4 — Discrimination:** The City and the Association agree not to discriminate against any employee because of his/her activity, membership, or lack thereof in the Association. The City and the Association agree that there shall be no discrimination against any employee on the basis of race, color, religion, national origin, sex, age, sexual orientation, or disability.

#### ARTICLE 4— WORK SCHEDULES

**Section 1 — Work Schedule:** The 24-hour shift, three platoon system (A, B, & C) will be used and posted. Under this schedule, each bargaining unit member works an average of approximately 56 hours per week over a one-year period.

**Section 2 — Rest Period:** A 15-minute rest period is permitted in the morning and in the afternoon. When there is a need to maintain continuous service or to answer telephones, employees will develop a coordinated schedule to provide the necessary service without interruption.

**Section 3 — Staffing of Emergency Vehicles:**

Standard level of staff of frontline emergency firefighting vehicles shall be with a minimum staffing of (3) personnel consisting of one (1) Captain, one (1) Engineer, and one (1) Firefighter.

Standard level of staffing of frontline emergency medical vehicles shall be with a minimum staffing of two (2) personnel consisting of one (1) paramedic and one (1) EMT.

#### ARTICLE 5— COMPENSATION AND OVERTIME PAY

**Section 1 — FLSA Work Period:** The FLSA 207(k) work period is <sup>182</sup>212 hours in <sup>24</sup>28 days. Paid leave does not count for purposes of calculating when overtime is due. The starting time and date for each work period will be posted in the Fire Department. Hours worked over <sup>182</sup>212 in a <sup>24</sup>28-day cycle shall be compensated at 1.5 times the employee's regular hourly rate of pay. SM

**Section 2 — Compensatory Time Off:** The City may compensate bargaining unit members with 480 hours of compensatory time off (CTO), in lieu of cash overtime, at the employee's election, at a rate of 1.5 hours for each hour worked over <sup>182</sup>212 in the <sup>24</sup>28-day work cycle. Once a unit member accrues 480 hours of CTO, the City shall pay overtime compensation in cash. The City shall not unreasonably deny a bargaining unit member the use of CTO. SM

**Section 3 — Call-Back Pay:** A bargaining unit member who has been released from duty and has left the work premises shall, if he/she is called back to duty, be paid a minimum of 2 hours. If the actual time traveling to and working a call-back to duty exceeds 2 hours and 30 seconds, the employee is entitled to receive pay for actual time to the half hour. Call-back pay as described in this section is paid at a 1.5 time rate. Travel time shall be compensated accordingly only if travel time is within County of Imperial.

**Section 4 — Working Out of Classification:** Any bargaining unit member who is required to accept or is assigned the responsibility and duties of a position or rank above that which he/she normally holds, shall be paid at the rate of the higher position or rank during the time he/she is required to perform in the higher position or rank.

**Section 5 — Clothing Allowance:** The City agrees to furnish \$1500.00 including boots per year to each employee as clothing allowance. The City will provide the full allowance in a separate check on a date between July 1-14. Allowance is issued for purposes of complying with the Fire Department's Standard Operating Guidelines. In addition, each unit member (except the Fire Inspector) will be entitled to reimbursement upon submittal to the Department of a receipt for the cost of purchase incurred by the unit member for a pair of Wildland boots, not to exceed \$300. This is a one-time reimbursement to each unit member, applicable to purchase following ratification of this Agreement. Any unit member hired into the bargaining unit (except for a Fire Inspector) is eligible for the same one-time reimbursement for a purchase made during the term of this Agreement.

**Section 6 — Longevity Pay:** Bargaining unit members are entitled to longevity pay according to the following schedule: \$25.00 per month for 5 to 9 years of continuous service; \$40.00 per month for 10 to 14 years of continuous service; \$60.00 a month for 15 to 19 years of continuous service; \$80.00 for 20 to 24 years of continuous service; \$100.00 a month for 25 years and over of continuous service. This benefit is deleted as to all employees hired on or after January 1, 2002. All existing employees shall be entitled to receive longevity pay until their employment with the City of Calexico is terminated.

**Section 7 — Merit Raise System:** The salary shown as Step 1 in the City Council's annual salary resolution for a particular classification shall be the normal entering salary for all positions within that classification. Advancement to Step 2 shall be made only after at least six months of service in Step 1 and only after receiving a grade of at least 70% on a standardized test regarding: a) practical — operations of trucks and equipment; b) written — Fire Department duties and fire knowledge; and c) map — locations of streets, etc. The merit increase due at Step 2 shall be postponed and given to the employee after completion of the employee's probationary period. Employee shall be placed at Step 3 after successfully completing probationary period and only after receiving a grade of at least 70% on a standardized test regarding the areas described above. The employee shall receive 10% (Step 2 and Step 3 combined) upon completion of probationary period. Advancement to Steps 4 and 5 shall be made only

after at least one year of continuous service in the previous lower step and after receiving a grade of at least 70% on the standardized test. Advancement to Step 6 shall be after 5 years of service at Step 5.

**Section 8 — Promotion Within the Unit:** In case of promotion to another classification within the bargaining unit, the City shall give a compensation increase of not less than 5%. An employee who has attained Step 6 in his/her current grade prior to the promotion, shall be returned to Step 6 upon completion of his/her probationary period in the new classification.

**Section 9 — Professional Development Program:** For bargaining unit members who were hired prior to January 1, 2006, the member not on initial hire probation shall be paid for all college degrees earned from an accredited institution of higher education, pursuant to the following non-cumulative education incentive pay (an employee transferring from another City department shall be considered an initial hire for the purposes of this section):

- A. A salary increase of 5% upon completion of an AA or AS degree with a grade of "C" or better (but no unit member will receive more than one salary increase under this provision);
- B. A salary increase of 10% upon completion of a BA or BS degree or an (but no unit member will receive more than one salary increase under this provision).

This provision will apply only to unit members hired prior to January 1, 2006. However any unit member receiving a stipend for college units (either 2.5, 5 or 7.5 percent), under an MOU effective prior to October 1, 2002, will continue to receive that stipend during his/her employment in the bargaining unit, until he/she qualifies for a higher stipend under this provision. A unit member receiving 5% stipend for units under a former MOU will, upon qualifying for an AA or AS degree stipend, receive only one such stipend, as all stipends are non-cumulative. All unit members hired on or after January 1, 2006 shall not receive any benefits under this Section.

Under this Professional Development Program, eligibility for the above-described stipends and salary increases are subject to the following conditions: (1) The employees interested in career advancement shall submit a request describing the educational opportunities to their department heads for review and consideration. The request must be job related and specific to the employee's position and department. (2) If the department head finds that the educational opportunity or degree obtained is specific to the employee's position with the City, then the department head will grant the applicable stipend or salary increase.

**Section 10 — EMT II/Paramedic Pay:** Certified EMT IIs and certified Advanced EMTs receive an additional 5% of base pay. A certified paramedic receives an additional 7.5% of base pay. No bargaining unit member may receive both incentive pays at a time. The City agrees to conduct a market study of certified paramedic

incentive pays, and discuss a comparable rate adjustment, if any.

Effective January 1, 2002, employees may not use this incentive for credit towards the unit based education incentive pay. All existing employees who have already received this credit shall be grandfathered in.

**Section 11 — Re-Certification of EMT II/Paramedics:** City agrees to pay \$200 for re-certification of all EMT II/Paramedics. The department shall pay all costs associated with maintaining EMS Certifications. Bargaining unit members who the Fire Chief requires to attend skill-improvement classes shall be compensated for all expenses.

**Section 12 — Cost of Living Increases:** No cost of living salary adjustment shall be provided for the duration of the term of this MOU.

A. Shift personnel working a holiday will be paid holiday pay. Shift personnel not working the holiday, will not be compensated holiday pay. Nonpayment of holiday pay for shift personnel not working the holiday shall be counted towards the agreed hours to be deducted towards furloughs.

B. Employees scheduled to be off during a designated holiday, who are called in to work due to operational necessity, shall be paid holiday time.

C.

**Section 14- Out of County Pay--** Any bargaining unit member who is required to accept or is assigned work out of the County, shall be paid at the rate of 1.5 hours for each hour worked.

**Section 15- Hazmat Pay—**Any bargaining unit member who is an active Hazardous Emergency Response Team ("HEAT") member trained to the Technician or Specialist level shall receive an additional 2.5% of base pay.

## **ARTICLE 6 — RESIGNATION AND DISCIPLINE**

**Section 1 — Resignation:** A bargaining unit member may voluntarily separate from City employment. A month's notice of intended separation is desired so that management may have sufficient time to obtain a necessary replacement, and a minimum of 2 full weeks is strongly recommended.

**Section 2 — Disciplinary Action:** The Fire Chief may discipline any bargaining unit member, for just and valid cause. However, due and careful consideration will be given to all facts surrounding the reason for discipline before the final action is taken. A bargaining unit member shall receive written pre-disciplinary notice regarding the facts and charges in any proposed disciplinary action that involves a loss of pay.

**Section 3 — Appeal of Disciplinary Action:** A bargaining unit member has the right to appeal discipline that involves a loss of pay to the Personnel Commission pursuant to Municipal Code Chapter 2.20. A final, written notice of discipline will inform or remind the bargaining unit member of this right.

**Section 4 — Exit Interview:** The Fire Chief will schedule an exit interview, with adequate lead time, with any bargaining unit member who is separating from City service. Any bargaining unit member leaving City employment under any circumstances must clear his or her records throughout-processing with the Finance Officers before the final pay check can be issued. Bargaining unit members shall return all equipment issued by the Fire Department and/or City of Calexico before the final pay check can be issued.

## ARTICLE 7— GRIEVANCE PROCEDURE

**Section 1 — Purposes:** To provide the means for employees, recognized employee organizations, and management to resolve grievances in an orderly manner within a reasonable time period. To administer employer-employee relations through uniform and orderly methods of communication between employees and management.

### **Section 2 — Policy:**

- A. Any bargaining unit member has the right to file a grievance without fear, intimidation, or coercion from any party;
- B. Any bargaining unit member may represent him/herself or select whomever he/she wishes to represent him/her at any or all steps in the grievance procedure;
- C. Grievances may be initiated by the employee, or the Association on the employee's behalf or on behalf of the Association;
- D. The bargaining unit member's or Association's first contact regarding job and working conditions is with the immediate supervisor and the supervisor shall attempt to settle grievances informally at that level;
- E. The immediate supervisor is responsible for informing employees about job requirements, personnel policies; and the work unit's relationship to the division, department and the City as a whole;
- F. A grievant may attend a grievance meeting with a supervisor on his/her own behalf without loss of pay. One

representative, who the grievant selects, may represent him/her at such grievance meeting without loss of pay.

**Section 3 — Definitions:** A grievance is a claim, charge or dispute involving the following:

- A. The interpretation or application of any City rules, regulations, ordinance, resolution affecting an employee's wages, hours or conditions of work; or
- B. The interpretation or application of the provisions of this MOU.
- C. Notwithstanding any of the above, a grievance does not include any challenge to a disciplinary action.

**Section 4 — Informal Grievance Procedure:** The informal complaint procedure must be used before the formal grievance procedure. The grievant shall discuss his/her complaint with his/her immediate supervisor no later than 10 days after the occurrence of the incident causing the grievance. If the immediate supervisor fails to reply within 5 working days, or the grievant determines he/she is not satisfied with any decision within 5 working days after receiving it, the grievant may utilize the formal grievance procedure.

**Section 5 — Formal Grievance Procedure:**

- A. The formal grievance procedure shall be initiated not later than 10 business days after the discussion with the immediate supervisor in the informal procedure.
- B. The formal grievance shall be initiated by the filing of a written grievance, within the time period set forth above, on a form provided for this purpose. The form shall contain:
  - 1. Name of Grievant
  - 2. Class Title
  - 3. Department
  - 4. Grievant's mailing address
  - 5. A clear statement of the nature of the grievance citing applicable ordinance, rules, regulations or action
  - 6. The date upon which such grievance occurred
  - 7. The action taken as a result of the informal complaint procedure
  - 8. A proposed solution to the grievance
  - 9. Date of execution of the grievance form

10. Signature of the grievant
11. The name of the organization or individual, if any, representing the grievant, followed by the signature of said organization or individual.

C. The following steps are to be used to resolve the formal grievance:

Step 1. The written grievance shall be filed and presented to the second-level supervisor, who shall investigate the grievance and shall confer with the grievant, his/her representative, and any other employee or employees in an attempt to resolve the grievance. Within 10 business days after the written grievance is first submitted to second-level supervisor, said second-level supervisor shall make and file a decision in writing with the grievant, his/her representative and the Human Resources Department. personnel department.

Step 2. If the dispute is not solved in Step 1, grievant may request in writing, within not more than 5 business days from the receipt of the supervisor's response, that the Fire Chief review and respond to the grievance. A copy of said request shall be sent to the Human Resources Department. Within 10 business days after the written grievance is first submitted to the Fire Chief, the Fire Chief shall make and file a decision in writing with the grievant, his/her representative, and the Human Resources Department.

Step 3. If the Fire Chief does not resolve the grievance to the satisfaction of the grievant, the grievant may, within not more than 5 business days from receipt of the Fire Chief's decision, request in writing that the City Manager or his/her designee consider the grievance. A copy of the request filed by the grievant shall be submitted to the Human Resources Department.

A) Within 10 business days after such request, the City manager or designee shall investigate the grievance, confer with the persons affected and the grievant's representative, and render a decision in writing to the grievant, his/her representative, and the Personnel department.

b) The City Manager's or designee's decision shall be final and shall not be appealed.

#### **Section 6 — Time Limits:**

A. The time limits of each step may be extended by mutual consent of

the parties. The duration of the extension shall be in writing and signed by both parties involved at the step to be extended.

- B. If any grievance is not appealed within the stated time limits, or extensions of any of the above steps, the grievance shall be considered conclusively settled on the basis of the last disposition by appropriate authority. No further City appeal or review is available.
- C. If a supervisor or other appropriate authority fails to furnish a response within the required time limits, or extensions, of any of the above steps, the employee or Association may proceed with the grievance at the next appropriate step.

### ARTICLE 8— HOLIDAYS

Authorized holidays are as follows and, except where the best interests of the City so require, municipal offices shall be closed on such days:

New Year's Day	Thanksgiving Day
Martin Luther King Day	Day after Thanksgiving
Washington's Birthday	Christmas Day
Memorial Day	Birthday
Independence Day	Admissions Day
Labor Day	Floating Holiday
Veteran's Day	Cesar Chavez Day

For non-shift Firefighters, if a holiday falls on a Sunday, the following Monday shall be considered a holiday. If a holiday falls on a Saturday, the preceding Friday shall be considered a holiday. Exception to this rule is the Fire Department shift personnel, for whom the holiday is only honored on the actual calendar day. Temporary, seasonal shall not receive leave of absence pay for holidays. Persons employed on a permanent part-time basis, shall be entitled to receive holiday pay at one-half the regular rate. For time exchanges on Holidays, the compensation will be between the individuals involved without the responsibility to the City. The overtime will be paid to the person scheduled to work.

In lieu of furloughs a total of nine (9) holidays will be substituted for nine (9) furlough days. The following holidays are designated as furlough days and paid or not paid as specified below:

- a. Independence Day – July 4, 2011
- b. Labor Day – September 5, 2011
- c. Admissions Day – September 9, 2011

- d. Veterans Day – November 11, 2011
- e. Thanksgiving Day – November 24, 2011
- f. New Year's Day – January 1, 2012
- g. President's Day – February 20, 2012
- h. Cesar Chavez Day – March 31, 2012
- i. Memorial Day – May 28, 2011

Shift personnel working a holiday will be paid holiday pay. Shift personnel not working the holiday, will not be compensated holiday pay. Nonpayment of holiday pay for shift personnel not working the holiday shall be in lieu of furloughs.

## ARTICLE 9— SICK LEAVE

### **Section 1 — Sick Leave Regulations:**

- A. Every bargaining unit member who has been continuously employed by the City for 180 days, except temporary, seasonal or part-time employees, shall receive 1 working day of sick leave with pay for each full month of employment or major portion thereof.
- B. Sick leave credit may be accumulated without limitation.
- C. A bargaining unit member on a 24-hour shift schedule may use: 1) sick leave for his or her own actual illness or injury; 2) up to 72 hours of sick leave per year to attend to the illness of the employee's child, spouse or parent; and 3) up to 5 days of sick leave in the event of death of any relative of the first degree by blood or marriage.
- D. If sick leave for illness or injury exceeds three consecutive working days, the employee, prior to returning to work, shall submit a statement from physician, surgeon or other person practicing a recognized healing art that has been certified by the State of California. The statement shall certify that the employee's physical or mental condition prevented him/her from performing the duties of his/her position during the period of absence. The physician statement requirement described here also applies to a bargaining unit member who takes sick leave of more than three consecutive working days to attend to the illness of the member's child, spouse or parent.
- E. The Fire Chief shall approve the use of all sick leave.
- F. Bargaining unit members employed on a permanent part-time basis, shall receive sick leave benefits at one-half the regular rate.

- G. If an employee sustains an illness or injury in the course of City employment, he/she shall receive full pay for the waiting period following such disability as defined by state law. Such compensation shall not be deducted from the employee's sick leave credit.
- H. A bargaining unit member may use up to 72 of sick leave to attend a family emergency.
- I. Sick leave shall not be used for donation of time to other employees.
- J. City agrees to meet and confer with the Bargaining Unit to establish a "Catastrophic Sick Leave" Policy on a citywide basis during the 2006-2007 Fiscal Year.

**Section 2 — Sick Leave- Cash Compensation for Disability:** When an employee incurs an on-the-job disability, he/she may request and receive cash compensation in lieu of sick leave to make up the difference between the employee's net salary and the amount he/she receives in state compensation insurance benefits while disabled.

**Section 3 — Sick Leave- Cash Compensation upon Separation from Employment:** Upon separation from City employment, cash compensation shall be paid for accumulated sick leave as follows:

- A. Every bargaining unit member who has 20 to 39 days of accumulated sick leave shall receive one month full pay.

**Section 4 — Light Duty:** A bargaining unit member requesting temporary light duty must provide the Fire Chief a written statement from a physician stating the work limitations and the length of time the work limitations are to be in effect. The Fire Chief will assess each request in light of the limitations at issue pursuant to the City's Return to Work Policy, and confer with the Human Resources Director, to review, the needs of the department, and state and federal laws.

## ARTICLE 10— VACATION

**Section 1 — Accrual:** Vacation for full-time bargaining unit members on 24-hour shifts shall accrue at the following rate per Calexico Municipal Code section 2.40.090:

Length of Continuous Employment	Accrual
6 months	1/2 calendar shift per month

1 year to 5 years  
6 years to 10 years  
11 years to 15 years  
16 years or more

7 calendar shifts per year  
8 calendar shifts per year  
9 calendar shifts per year  
11 calendar shifts per year

**Section 2 — Scheduling:** The Fire Chief schedules and approves vacation leave.

**Section 3 — Accumulation:** Effective January 1, 2002, a bargaining unit member ceases to earn vacation time once he/she accumulates the total number of hours/shifts that the/she can earn in his/her years of service. The total number of hours that can be earned by a member is based on each member's length of continuous employment with the City. Accumulation limits shall be enforced at the following amounts;

1 year to 5 years	504.00 hours (7 shifts x 24 hrs x 3 years)
6 years to 10 years	576.00 hours (8 shifts x 24 hrs x 3 years)
11 years to 15 years	648.00 hours (9 shifts x 24 hrs x 3 years)
16 years or more	792.00 hours (11 shifts x 24 hrs x 3 years)

**Section 4 — Separation from City:** Upon separation from City employment, compensation shall be paid for vacation leave that has been earned but not taken.

#### ARTICLE 11 — OTHER LEAVES

**Section 1 — Unpaid Leave of Absence:** A bargaining unit member may be allowed a leave of absence without pay for up to 90 days upon the member's written request, and the recommendation of the Fire Chief and the approval of the City Manager. While on unpaid leave, a bargaining unit member does not earn vacation, holiday, or sick leave.

**Section 2 — Military Leave:** Military leave shall be granted in accordance with the provisions of state law. Every employee entitled to receive the benefits of military leave shall give the Fire Chief the opportunity, within the limits of military necessity, to determine when such leave shall be taken.

**Section 3 — Leave Conversion Procedure:** Twenty-four hour employees reassigned to a 40-hour basis, or vice versa, shall have accrued leave converted on the following basis:

- A. To determine equivalent hours for new 24-hour employees, multiply hours times a conversion factor of 1.4.
- B. To determine equivalent leave hours for new 40-hour employees, multiply leave hours times a conversion factor of .07143.

**Section 4 — Bereavement Leave:** The City agrees to grant three (3) paid days for

bereavement leave following the death of the following relatives of an employee:

Father (includes step-father)	Father-in-law
Mother (includes step-mother)	Mother-in-law
Sister	Sister-in-law
Brother	Brother-in-law
Wife	Husband
Son (includes step-son)	Daughter (includes step-daughter)
Grandfather	Grandmother
Son-in-law	Daughter-in-law
Grandchildren	Aunt
Uncle	Cousin

An employee shall be excused from work by the City, upon the employee's request, for an additional two days following the death of a relative as defined herein, on the condition that the employee uses existing vacation leave, sick leave, or other accrued leave time.

### ARTICLE 12— HEALTH BENEFITS

**Section 1 — Life Insurance:** The city shall provide \$50,000 in life insurance coverage and \$50,000 for accidental death and dismemberment for each bargaining unit member. The City will also provide life insurance in the amount of \$2,500 for each of each bargaining unit member's dependents.

**Section 2 — Group Medical/Dental/Vision Insurance:** The City agrees to contribute up to the following amounts per month toward medical, dental, and vision insurance coverage during the term of this agreement.

Family	\$	\$827.00
Single	\$	\$361.00

The City and the Union agree that the City's Health Plan will no longer cover lifestyle (not medically necessary) prescription drugs.

The City agrees to pay 100% of the employee portion of the medical premiums for the term of the MOU. The City and the Association agree to re-open negotiations to discuss a change in the City's Health Plan.

The City and Association agree to address the Medical Insurance Fund and potential employee contributions by \_\_\_\_\_ (date) and to be completed by \_\_\_\_\_ (date). Any agreement will be memorialized in a side letter agreement to this MOU.

**Section 3 — Waived Health Insurance Benefit:** The City provides a health allowance for those employees who opt out of the health insurance coverage for the following reasons: 1) employee's spouse has a more attractive benefit package through the spouse's employer; and/or 2) employee is married to another City employee. The monthly health allowance is \$385.10 for family and \$182.24 for single. Employees may use the health allowance to enhance their dental program or to purchase additional supplemental coverage through contracted medical providers with the City. Employees will have an opportunity to change their coverage during open enrollment.

**Section 4- Employee Cafeteria Plan-** The City will offer a flexible benefit plan also known as a "cafeteria" plan available to employees based on the concept of employee choice. Under this plan, employees have the opportunity to individually select the type of benefits and the level of coverage desired from a menu of options offered by the City during the annual open enrollment period.

The City's cafeteria plan will offer pre-tax and after-tax options and is not subject to ERISA.

Effective on the date of ratification and approval of this MOU, as defined by Article 1, section 2 herein, the only permitted choices of benefits for employees authorized under the Employee Cafeteria Plan are benefits from those providers, which have a contractual relationship with the City.

**Open Enrollment Period:** The City will allow an annual open enrollment period of not less than 30 days for employees prior to the start of the plan year for the next fiscal year, so that employees can choose benefits from the cafeteria plan.

**Section 5- Employee Wellness Benefit-** Effective September 1, 2009, the City shall no longer provide the wellness benefit.

**Section 6 – Payroll Deductions:** If an employee requests that the City make a payroll deduction to allow for payment of a service or benefit through a non-medical and/or non-contracted provider with the City, a biweekly processing fee of \$5.00 will be added by the City to pay for the processing of the payroll deduction and payment. This \$5.00 processing fee shall not apply to payroll deductions for union dues.

**Section 7 – Retiree Health Plan:**

- A. The Retiree Health Plan Policy adopted by the City Council in May 18, 1993 outlines the criteria for the retiree health for those hired on or after May 18, 1993.
- B. Post-1993 Retiree Health Coverage: Any employee hired on or after May 18, 1993 shall pay a medical contribution based on the

current cost of the City's health plan and upon the years of City service upon their retirement from City service. The medical coverage will cap at age 65.

- C. Pre-1993 Retiree Health Coverage: For those employees who were hired before May 18, 1993 and who elect to continue coverage with the City's health plan upon their retirement from City service, they shall be entitled to lifetime medical coverage. Cost of the coverage shall be \$120.00 a month. At age 65, the City's health plan shall become secondary and Medicare shall be primary, and all claims shall be adjudicated accordingly. Any eligible employee, hired before May 18, 1993, who retires from City service after July 1, 2008, shall have the option of either selecting Pre-1993 Retiree Health Coverage, as described herein, or, in the alternative, if the employee chooses, the employee may elect the Post-1993 Retiree Health Coverage.
- D. Employees who are hired after July 1, 2008 shall not be entitled to medical insurance coverage when they retire from City service.
- E. Any employee who separates from City service shall be provided with COBRA notification by the City's Third Party Administrator. The City's Third Party Administrator shall handle the processing and collecting of retiree health contributions.
- F. Any retiree who is three (3) months delinquent from paying retiree health contributions shall be removed from the retiree medical coverage. Any retiree removed from the health plan for non-payment shall not be allowed to re-enroll in the health program. Any retiree who is removed from the health plan for non-payment shall be provided with COBRA notification by the City's third party administrator.

**Section 8 — Annual Physicals:** All full-time permanent bargaining unit members shall have mandatory physicals on an annual basis from a list of three (3) physicians provided by the City. Medical determination shall be given as "fit" or "not fit".

Each "not fit" determination will be reviewed independently, and ample consideration will be provided based upon applicable City rules and regulations, state and federal guidelines governing worker's compensation, ADA, and Fire Fighters SDF.

Nothing in this section conflicts with the City's right to require a physical, or mental, fitness determination whenever the City has reasonable cause to require same.

The City will provide each bargaining unit member an annual respiratory fitness exam. Such exam shall be conducted in the month of the employee's birth date falls.

**Section 9— Random Drug Testing for Safety Related Positions:** Bargaining unit members shall be placed in the random pool for drug/alcohol testing to be conducted by

the City of Calexico at the employer's expense. Positive results shall be administered according to the City of Calexico's Drug/Alcohol policy. In the event of a positive result on a random drug test (first time), if not associated with other grounds for discipline, the unit member will be provided the opportunity to enter into a "last chance" agreement which includes (but is not limited to) successful completion of a rehabilitation program approved by the City.

Effective immediately, random drug testing guidelines will be as follows:

1. Random testing will be conducted every other month;
2. 25% of Department population will be tested randomly as indicated in the Drug/Alcohol policy;
3. If selected employee is off duty, he/she will not be required to submit a test sample;
4. Only on duty personnel shall be tested when selected randomly.

#### **ARTICLE 13— RETIREMENT**

**Section 1 — Retirement:** The City will continue to contract with PERS for the 2% at age 50 retirement plan subject to the provisions of this section. The City will continue to pay the first 9% of the employee's contribution. The PERS retirement plan shall remain at 2% at 50 during the term of this MOU. However, in recognition that the Association indicated that the retirement benefit is the Association's top priority, the City agrees to continue discussions regarding a different retirement plan with the Association during the negotiations for fiscal year 2009-2010. The City seeks to continue meaningful negotiations on this issue during the fiscal year 2009-2010 negotiations after it obtains the updated cost information from PERS. Before commencement of the fiscal year 2009-2010 negotiations, the City will obtain an updated contract amendment request for cost information and obtain a cost analysis from PERS. The City remains committed to offering quality benefits for its personnel while maintaining a balanced City budget.

#### **ARTICLE 14— DUES**

**Section 1 — Payroll Deductions:** The City agrees to deduct union dues each pay period from the pay of those Association members who individually request in writing, that such deductions be made. The City shall remit the money's deducted each pay period to the Treasurer of the Association.

**Section 2 — Agency Shop:** Unit members who choose not to join the Association shall be required to pay the fair cost of representation as a condition to continued employment. It is agreed that this amount is identified as 75% of Association dues. This amount shall be deducted bi-weekly and remitted to the Association. Unit members who are not Association members may submit a written request to the Association President to have his/her agency fee distributed to one of the following charities:

1. Calexico Pop Warner
2. Calexico Little League
3. Catholic Community Services

#### **ARTICLE 15— PROBATION**

- A. Probationary period will permit both the supervisor and the employee to become acquainted and to determine the adaptability and fitness of the employee to the assigned work. The probationary period for all Firefighters will be for one year.
- B. Employees transferring from one department to another will be subject to the probationary period of one year.
- C. All probation periods will be inventoried every 30 days for the first 90 days, at the end of six months, and annually thereafter.
- D. An evaluation assessment will be completed on an as needed basis to try and assist all probationary employees who are not performing to the expected standard. Probationary employees may be terminated after the second inventory assessment if they continue to fail to perform at the expected standard.
- E. Bargaining unit members will serve a probationary period of twelve (12) months for all promotional selections in the department. Failure to pass probationary will result in "bumping" rights back to the former position in the department.

#### **ARTICLE 16— SAVINGS, ZIPPER, DURATION**

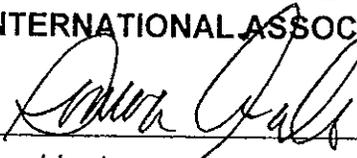
**Section 1 — Savings Clause:** If any provision of this MOU or the application of such provision should be rendered invalid by existing or subsequently enacted legislation, the remaining portion shall remain in full force and effect, and the City and the Association shall meet and confer to address any impact that the legislation has on the terms and conditions of employment.

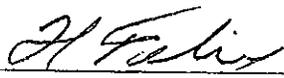
**Section 2 — Zipper Clause:** This MOU sets forth the full and entire understanding of the parties regarding matters set forth herein, and any and all prior or existing MOU's

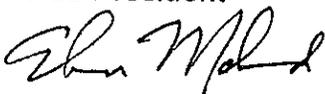
understandings, or agreements that conflict with the matters set forth herein, whether formal or informal, are hereby superseded and terminated in their entirety. Existing policies, rules, ordinances and resolutions that do not conflict with the matters set forth herein remain in effect. There will be no change in any matter covered by this MOU and health benefits without the mutual consent of the parties. There will be no change in any matter within the scope of representation without notice or negotiations as required by state law. Nothing in this paragraph will abrogate or diminish the City's rights under the Management Rights article of this MOU. It is the intent of the parties that this MOU be administered and observed in good faith.

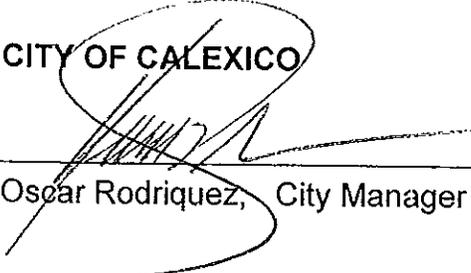
**Section 3 — Term of MOU:** The term of this MOU shall be July 1, 2011, through June 30, 2012.

**CALEXICO FIREFIGHTERS ASSOCIATION  
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1966**

  
\_\_\_\_\_  
President Date 2/16/2012

  
\_\_\_\_\_  
Vice President Date 2/16/2012

  
\_\_\_\_\_  
Oscar Rodriguez, City Manager Date 2.16.2012

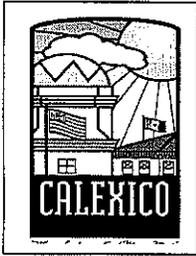
**CITY OF CALEXICO**  
  
\_\_\_\_\_  
Oscar Rodriguez, City Manager Date 4/9/12

**CITY OF CALEXICO  
FIREFIGHTERS' ASSOCIATION  
CLASSIFICATION SCHEDULE**

<b>CODE</b>	<b>CLASSIFICATION</b>	<b>UNIT</b>	<b>RANGE</b>
00280	Fire Captain	F	95
00310	Fire Marshall	F	95
00320	Firefighter	F	84
00330	Fire Engineer	F	87

**AGENDA  
ITEM**

**8**



# AGENDA STAFF REPORT

**DATE:** May 5, 2015

**TO:** Mayor and City Council

**APPROVED BY:** Richard N. Warne, Interim City Manager 

**PREPARED BY:** John T. Quinn, Finance Director 

**SUBJECT:** Warrants from April 07, 2015 to April 21, 2015

=====

**Recommendation:**

Approve the Affidavit of Warrants from April 07, 2015 to April 21, 2015.

**Background:**

The City Council approves the Finance Director's Affidavit of Warrants.

**Discussion & Analysis:**

Attached is a list of claims paid. These warrants have been reviewed and audited by the Calexico Finance Director. His affidavit is attached to this report.

**Fiscal Impact:**

Total disbursement is \$941,081.88.

**Coordinated With:**

All Departments

**Attachment:**

Finance Director Affidavit of Warrants for April 07, 2015 to April 21, 2015.





# City of Calexico

## Finance Department

608 HEBER AVENUE



CALEXICO, CA 92231



(760) 768-2130

### AFFIDAVIT

I, JOHN T. QUINN, FINANCE DIRECTOR do hereby declare and certify that the claims against the City of Calexico from April 07, 2015 to April 21, 2015 in the amount of \$ 941,081.88 are a valid and audited record of the purchases and reimbursements, and to the best of my knowledge, are a complete and accurate reflection of the bi-weekly warrants paid.

DATE: 4/22/15

BY: 

John T. Quinn, Finance Director

# Accounts Payable

## Checks by Date - Summary by Check Date

User: mgutierrez  
 Printed: 4/22/2015 10:50 AM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	10042	ALLIANT INSURANCE SERVICE	04/08/2015	3,000.00
ACH	10096	BANK UP CORPORATION	04/08/2015	1,205.16
ACH	10113	MICHAEL J BOSTIC	04/08/2015	8,750.00
ACH	10114	BOUND TREE MEDICAL, LLC	04/08/2015	4,499.29
ACH	10164	CARTEGRAPH SYSTEMS, INC	04/08/2015	6,000.00
ACH	10317	ENVIRONMENTAL RESOURCE ASSOC	04/08/2015	314.65
ACH	10319	ERM-WEST, INC	04/08/2015	39,917.93
ACH	10327	ET&MS, INC	04/08/2015	1,841.45
ACH	10371	GAYLORD BROS, INC	04/08/2015	142.24
ACH	10412	HINDERLITER, de LLAMAS	04/08/2015	3,793.25
ACH	10419	HUMANE SOCIETY OF IMPERIAL COU	04/08/2015	1,020.00
ACH	10460	INFOSEND, INC	04/08/2015	4,117.44
ACH	10498	KONE, INC.	04/08/2015	9,463.21
ACH	10500	KRONOS, INC	04/08/2015	7,692.62
ACH	10603	ONE SOURCE DISTRIBUTORS, LLC	04/08/2015	289.66
ACH	10677	PYRAMID CONSTRUCTION AND	04/08/2015	108.60
ACH	10707	RISK MANAGEMENT PROFESSIONAL	04/08/2015	14,857.63
ACH	10766	SIRCHIE FINGER PRINT LABORATORI	04/08/2015	1,414.41
ACH	10781	SPECTRUM	04/08/2015	600.00
ACH	10792	STARNIK SYSTEMS, INC	04/08/2015	3,955.00
ACH	10818	THATCHER COMPANY OF CA	04/08/2015	4,295.00
ACH	10821	THE HOLT GROUP, INC	04/08/2015	755.60
ACH	10848	UNIFIRST CORPORATION	04/08/2015	1,804.33
ACH	10888	WAXIE SANITARY SUPPLY	04/08/2015	2,785.36
ACH	10893	WILLDAN ENGINEERING	04/08/2015	9,868.00
ACH	11000	VERITAS ASSURANCE GROUP	04/08/2015	14,000.00
Total for 4/8/2015:				146,490.83
1167	10030	AE CONSULTING, INC	04/09/2015	19,670.00
1168	10038	AIRWAVE COMMUNICATIONS - IMP	04/09/2015	450.00
1169	10061	AMSTERDAM PRINTING & LITHO	04/09/2015	431.83
1170	10912	MARICELA ARAMBULA	04/09/2015	1,250.00
1171	10915	BENDER ROSENTHAL, INC	04/09/2015	61,407.95
1172	10142	CALIBER SCREENPRINTING	04/09/2015	686.34
1173	10246	CWEA-TCP	04/09/2015	156.00
1174	10266	DEPARTMENT OF JUSTICE	04/09/2015	1,194.00
1175	11004	ENSLow PUBLISHING, LLC	04/09/2015	1,005.42
1176	10379	GIBSON & SCHAEFER, INC	04/09/2015	1,168.38
1177	10435	I V WELDING & MECHANICAL	04/09/2015	3,457.12
1178	10450	IMP CO TRANSPORTATION	04/09/2015	4,869.02
1179	10456	IMPERIAL VALLEY PRESS	04/09/2015	179.96
1180	10476	IVEDC	04/09/2015	10,000.00
1181	10510	LEAGUE OF CA. CITIES	04/09/2015	60.00
1182	10561	MISSION COMMUNICATIONS	04/09/2015	2,779.23
1183	11009	OCEJO CONSTRUCTION COMPANY	04/09/2015	1,950.00
1184	10617	JORGE PADILLA	04/09/2015	250.00

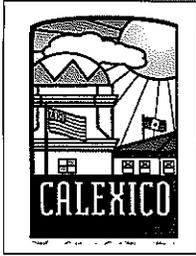
Check No	Vendor No	Vendor Name	Check Date	Check Amount
1185	10666	PRO RECORD STORAGE	04/09/2015	1,085.06
1186	10672	PSOMAS	04/09/2015	2,340.00
1187	10679	QUILL CORPORATION	04/09/2015	104.63
1188	11011	TMAND, LLC	04/09/2015	1,176.00
1189	10841	TWIN CITY FLORIST	04/09/2015	169.26
1190	10854	URBAN FUTURES, INC	04/09/2015	11,006.25
1191	10883	WAL-MART COMMUNITY	04/09/2015	1,545.58
Total for 4/9/2015:				128,392.03
ACH	10452	IMPERIAL IRRIGATION DISTRICT	04/10/2015	112,672.14
1192	11012	AVENET, LLC	04/10/2015	7,060.00
Total for 4/10/2015:				119,732.14
ACH	10087	AVAYA, INC	04/15/2015	197.28
ACH	10094	BAKERSFIELD PIPE AND SUPP	04/15/2015	17,921.66
ACH	10113	MICHAEL J BOSTIC	04/15/2015	2,000.00
ACH	10185	CHEMTRADE CHEMICALS US.LL	04/15/2015	6,191.07
ACH	10342	FERGUSON ENTERPRISE,INC.	04/15/2015	2,299.43
ACH	10347	FIRE ETC	04/15/2015	263.14
ACH	10402	HAAKER EQUIPMENT COMPANY	04/15/2015	552.08
ACH	10420	HUNTER EMPLOYMENT SERVICES	04/15/2015	12,224.86
ACH	10434	I V TERMITE & PEST CONTROL INC	04/15/2015	436.00
ACH	10462	INGRAM LIBRARY SERVICES	04/15/2015	2,180.18
ACH	10491	K-C WELDING & RENTALS, INC	04/15/2015	9,829.12
ACH	10546	McDOUGAL LOVE ECKIS BOEHMER &	04/15/2015	5,145.07
ACH	10594	NORMAN A TRAUB ASSOCIATES	04/15/2015	2,399.94
ACH	10599	OFFICE SUPPLY COMPANY,INC.	04/15/2015	15,075.30
ACH	10607	ORANGE COMMERCIAL CREDIT	04/15/2015	6,690.00
ACH	10618	PADRE JANITORIAL SUPPLIES, INC	04/15/2015	1,277.59
ACH	10625	PASO ROBLES TANK, INC	04/15/2015	20,391.44
ACH	10646	PINNACLE MEDICAL CLAIMS	04/15/2015	7,576.35
ACH	10657	PLUMBERS DEPOT INC.	04/15/2015	1,570.00
ACH	10765	SIMPLEXGRINNELL LP	04/15/2015	854.44
ACH	10781	SPECTRUM	04/15/2015	1,900.00
ACH	10831	TIRES & WHEELS OF AMERICA	04/15/2015	3,656.62
ACH	10894	WIMACTEL, INC	04/15/2015	177.00
ACH	10972	A2Z BUS SALES	04/15/2015	13,323.47
ACH	11016	RUTAN & TUCKER LLP	04/15/2015	12,625.00
Total for 4/15/2015:				146,757.04
ACH	10314	EMPLOYMENT DEVELOPMENT DEPT	04/16/2015	24,276.18
ACH	10906	INTERNAL REVENUE SERVICE	04/16/2015	91,395.43
ACH	10314	EMPLOYMENT DEVELOPMENT DEPT	04/16/2015	2,059.35
ACH	10977	IV WARRIORS INVESTMENT LLC	04/16/2015	660.00
1193	10923	2nd STREET INVESTMENT LLC	04/16/2015	674.00
1194	10934	ADIRONDACK DIRECT	04/16/2015	6,992.83
1195	10034	SAUL AGUILAR	04/16/2015	695.00
1196	10065	ANTHRACITE FILTER MEDIA CO	04/16/2015	15,460.76
1197	10139	CALEXICO TOWING SERVICE	04/16/2015	759.50
1198	10153	CALIFORNIA SUPER MARKET	04/16/2015	222.04
1199	10154	CALIFORNIA SUPER MARKET	04/16/2015	18.76
1200	10937	CASA BLANCA REAL ESTATE	04/16/2015	477.00
1201	10920	CASA SONOMA APARTMENTS	04/16/2015	2,214.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
1202	10919	MARIA CASTRO	04/16/2015	19.00
1203	10968	CONVEYOR GROUP	04/16/2015	300.00
1204	11017	LUIS DELGADO	04/16/2015	500.00
1205	11006	DTSC IMPERIAL CUPA	04/16/2015	6,755.40
1206	10965	LOURDES ESPINOZA	04/16/2015	50.00
1207	10925	LETICIA FIGUEROA	04/16/2015	34.00
1208	10967	JAVIER GALINDO	04/16/2015	482.00
1209	10379	GIBSON & SCHAEFER, INC	04/16/2015	1,157.22
1210	10936	EVANGELINA A. HERRERA	04/16/2015	872.00
1211	10956	GUADALUPE HUIE	04/16/2015	596.00
1212	10445	IMP CO PUBLIC HEALTH DEPT	04/16/2015	56.00
1213	10452	IMPERIAL IRRIGATION DISTRICT	04/16/2015	259.10
1214	10456	IMPERIAL VALLEY PRESS	04/16/2015	794.40
1215	10918	IV SERVICES	04/16/2015	716.00
1216	10474	IVC EOA WORK STUDY PRGM	04/16/2015	227.01
1217	10911	AARON EDUARDO KINTERO	04/16/2015	500.00
1218	10497	KOA CORPORATION	04/16/2015	28,502.75
1219	11014	KOHN LAW GROUP, INC	04/16/2015	8,000.00
1220	10978	ANA MARIA LAMADRID	04/16/2015	654.00
1221	10966	JOHN LEMON	04/16/2015	341.00
1222	10940	VERONICA LOZANO FAUSNIGHT	04/16/2015	121.00
1223	10922	ESTHER MARQUEZ	04/16/2015	49.00
1224	10917	ADRIANA MARTINEZ	04/16/2015	729.00
1225	10556	MIRIAM R MEDINA	04/16/2015	150.00
1226	10938	NITZIA MORALES	04/16/2015	60.00
1227	10939	MARCO CESAR MORALES GARCIA	04/16/2015	798.00
1228	10630	ROBERT PENA	04/16/2015	400.00
1229	10679	QUILL CORPORATION	04/16/2015	390.49
1230	10683	R&H CLEAN-TEK	04/16/2015	2,050.00
1231	10717	CESAR RODRIGUEZ	04/16/2015	1,196.00
1232	10921	KARLA M. RODRIGUEZ	04/16/2015	492.00
1233	10720	ROGERS & ROGERS NISSAN	04/16/2015	1,339.68
1234	11018	ALBERTO RUIZ	04/16/2015	156.00
1235	10758	SHARP REES-STEALY MEDICAL GRP	04/16/2015	131.00
1236	10775	SOUTHLAND WATER TECHNOLOGY	04/16/2015	137.98
1237	10813	T & T POOLS	04/16/2015	520.00
1238	11011	TMAND, LLC	04/16/2015	576.00
1239	10924	LUPE VALADEZ	04/16/2015	346.00
1240	10926	RODOLFO VALDEZ	04/16/2015	636.00
1241	10863	VALLEY AUTO GLASS CO.	04/16/2015	718.97
1242	10941	VILLA DEL ESTE APARTMENTS	04/16/2015	1,076.00
1243	10985	DAVID WOO	04/16/2015	588.00
1473	10032	AFLAC	04/16/2015	1,105.77
1474	10053	AMERICAN HERITAGE LIFE	04/16/2015	26.00
1475	10133	CALEXICO FIREFIGHTERS ASSOCIATI	04/16/2015	675.00
1476	10907	CALEXICO MUNICIPAL EMPLOYEE AS	04/16/2015	1,229.26
1477	10137	CALEXICO POLICE OFFICERS ASSOCI	04/16/2015	3,571.73
1478	10152	CALIFORNIA STATE DISBURSEMENT 1	04/16/2015	4,372.31
1479	10161	JENNIFER CARDINALE	04/16/2015	329.08
1480	10169	AIDA M CASTRO	04/16/2015	271.38
1481	10208	COLONIAL	04/16/2015	5,247.99
1482	10263	DENTAL HEALTH SERVICES OF CALIF	04/16/2015	39.89
1483	10323	VERONICA ESQUER	04/16/2015	190.15
1484	10359	FRANCHISE TAX BOARD	04/16/2015	750.00
1485	10417	HORACE MANN LIFE INS, CO	04/16/2015	51.84
1486	10449	IMP CO SHERIFF DEPARTMENT	04/16/2015	279.64
1487	10564	ROSA M MORALES	04/16/2015	484.62

Check No	Vendor No	Vendor Name	Check Date	Check Amount
1488	10587	NEW YORK LIFE INSURANCE	04/16/2015	107.86
1489	10647	PINNACLE CLAIMS MNGMNT	04/16/2015	435.55
1490	10664	PRE-PAID LEGAL SVCS, INC	04/16/2015	166.46
1491	10673	PUBLIC EMPLOYEES RETIREMENT SY	04/16/2015	88,847.40
1492	10737	ROSA A SAMANIEGO	04/16/2015	437.53
1493	10749	SEIU - LOCAL 221	04/16/2015	295.36
1494	10803	SUN COMMUNITY FEDERAL CREDIT	04/16/2015	625.00
1495	10850	UNITED STATES TREASURY	04/16/2015	150.00
1496	10851	UNITED WAY OF IMP VALLEY	04/16/2015	53.00
1497	10867	VANTAGEPOINT TRANSFER-457	04/16/2015	2,513.21
1498	10909	WEST ASSET MANAGEMENT, INC	04/16/2015	644.36
Total for 4/16/2015:				322,282.24
ACH	10088	AVFUEL CORPORATION	04/21/2015	2,861.41
ACH	10113	MICHAEL J BOSTIC	04/21/2015	8,750.00
ACH	10121	C YOUNG ASSOCIATES	04/21/2015	6,982.62
ACH	10327	ET&MS, INC	04/21/2015	1,675.00
ACH	10366	FULLCOURT PRESS	04/21/2015	365.05
ACH	10407	HECHOS Y OPINION/EL LECHUGON	04/21/2015	3,652.00
ACH	10414	HOGAN LAW APC	04/21/2015	5,390.00
ACH	10420	HUNTER EMPLOYMENT SERVICES	04/21/2015	13,790.88
ACH	10454	IMPERIAL PRINTERS	04/21/2015	280.22
ACH	10594	NORMAN A TRAUB ASSOCIATES	04/21/2015	4,311.71
ACH	10788	STANDARD ELECTRONICS	04/21/2015	2,317.90
ACH	11008	TOMARK SPORTS	04/21/2015	9,904.06
ACH	11021	AWE, INC	04/21/2015	9,426.75
ACH	11022	SILVERREST	04/21/2015	7,720.00
Total for 4/21/2015:				77,427.60
Report Total (173 checks):				941,081.88

**AGENDA  
ITEM**

**9**



# AGENDA STAFF REPORT

**DATE:** May 5, 2015

**TO:** Mayor and City Council

**APPROVED BY:** Richard N. Warne, Interim City Manager *RNW*

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

**SUBJECT:** Authorize Public Works Director/City Engineer to File Notice of Completion for the 1.0 MG, 3.0 MG, 4.0 MG and 6.0 MG Water Tank Repair and Upgrade Project

=====

## Recommendation:

Authorize Public Works Director/City Engineer to File Notice of Completion for the 1.0 MG, 3.0 MG, 4.0 MG and 6.0 MG Water Tank Repair and Upgrade Project

## Background:

As a result of the April 4th 2010, 7.2 magnitude earthquake centered 29 miles southeast of Mexicali, Mexico the 1.0 Million Gallon (MG), 3.0 MG and 4.0 MG water storage tanks at the Water Treatment Plant were severely damaged.

The initial assessment of the damaged tanks was to repair only the damaged areas. PSOMAS prepared the plans and specification for the repair of the 1.0 MG, 3.0 MG and 4.0 MG water storage tanks. After carefully reviewing FEMA/CALEMA, and JPIA cost estimate, City staff recommended building a new 6.0 MG and demolishing the 1.0 MG and 3.0 MG which would be more cost effective to the City because the replacement cost would result in less expense than the repair cost.

## Discussion & Analysis:

On March 19, 2013, the City Council of the City of Calexico awarded the 1 MG, 3 MG, 4 MG and 6 MG Water Tank Repair and Upgrade Project Paso Robles Tank, Inc. in the amount of \$6,071,966. Due to additional work that was not anticipated the total cost of said project is \$6,425,419.52. Notice to Proceed for this project was issued on April 15, 2013. Construction began on April 26, 2013 and was completed on January 21, 2015.

**AGENDA  
ITEM**

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**Fiscal Impact:**

FEMA	\$3,448,311.89
CALEMA	\$862,077.97
JPIA	\$1,827,670.33
City	<u>\$287,359.32</u>
Total	\$6,425,419.52

**Coordinated With:**

None.

**Attachment:**

1. Notice of Completion.

RECORDING REQUESTED BY:  
City of Calexico

AND WHEN RECORDED MAIL TO:  
City of Calexico  
Public Works Department  
608 Heber Avenue  
Calexico, California 92231

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion. (See reverse side for completion requirements).

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is City of Calexico
3. The full address of the owner is 608 Heber Avenue, Calexico, California 92231
4. The nature of the interest or estate of the owner is:  
In fee
5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are  

NAMES	ADDRESSES
<u>None</u>	
6. The full names and full addresses of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work or improvements herein referred to  

NAMES	ADDRESSES
<u>None</u>	
7. A work of improvement on the property hereinafter described was completed on 01/21/15. The work done was construction of a 6MG water storage tank, demolition of 1MG and 3MG water storage tank, and reparation of the 4MG water storage tank at the Water Treatment Plant.
8. The name of the contractor, if any, for such work of improvement was Paso Robles Tank, Inc.  
23232 Peralta Drive, Ste. 109, Laguna Hills, California 92653 March 19, 2013  
(Date of Contract)
9. The property on which said work of improvement was completed is in the City of Calexico,  
County of Imperial, State of California, and is described as follows:  
1MG, 3MG, 4MG and 6MG Water Tanks Repair and Upgrade Project
10. The street address of said property is 545 Pierce Avenue, Calexico, CA 92231

Dated 05/05/15

Nick Servin, Public Works Director/City Engineer  
City of Calexico

### VERIFICATION

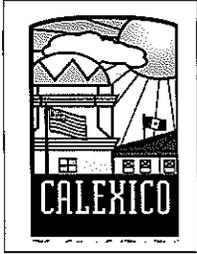
I, the undersigned, say: I am the Public Works Director/City Engineer, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true to my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 5, 2015, at Calexico, California

Nick Servin, Public Works Director/City Engineer  
City of Calexico

**AGENDA  
ITEM**

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# AGENDA STAFF REPORT

**DATE:** May 5, 2015

**TO:** Mayor and City Council

**APPROVED BY:** Richard N. Warne, Interim City Manager 

**PREPARED BY:** Nick Fenley, Public Works Manager 

**SUBJECT:** Purchase of a 2015 CNG Street Sweeper from Mar-Co Equipment Co., through a Cooperative Purchase with the City of Brawley.

=====

**Recommendation:**

Staff recommends City Council authorize the purchase of a 2015 CNG Street Sweeper from Mar-Co Equipment Co., in the amount of \$306,490.50 through a Cooperative Purchase with the City of Brawley.

**Background:**

On January 20, 2015, the City of Brawley awarded the bid proposal to Mar-Co Equipment Co., in the amount of \$306,490.50 for the purchase of a 2015 CNG Street Sweeper after going through a competitive bid process.

**Discussion & Analysis:**

The City of Calexico Purchasing Policy states that the City can participate in a cooperative purchase as long as a competitive bid process has been followed. The Public Works Department is requesting to purchase this piece of equipment that is essential in the performance of maintaining the City's Street System. The current piece of equipment has been in service for over ten years and is in dire need of replacement.

**Fiscal Impact:**

Budgeted Item FY 2014-2015  
\$271,336.04 (CMAQ Grant 88.53%)  
\$ 35,154.46 (Local Match 11.47%)  
\$306,490.50 Total

**Coordinated With:**

None

**Attachment:**

Cooperative Purchase Offer and the City of Brawley Bid Information.





April 29, 2015

Nick Fenley  
City of Calexico  
608 Heber Ave  
Calexico, CA 92231

Dear Nick:

This letter is in regard to a cooperative purchase between the cities of Calexico, Ca and Brawley, Ca.

Mar-Co Equipment Company agrees to sell the City of Calexico (1) Tymco model 600 CNG for the same dollar amount stated on the City of Brawley's purchase order number 00001725 as part of a "piggy back" cooperative purchase agreement. Purchase order number 00001725 was issued by the City of Brawley to Mar-Co Equipment Company on February 24 / 2015 in the amount of \$306,490.50 per the written bid specifications (no. 2014-07).

We appreciate your time and consideration with regard to the purchase of our Tymco model 600 CNG regenerative air street sweeper.

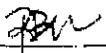
Sincerely,

Bryan Saunders  
Territory Manager  
Mar-Co Equipment Co.

**COUNCIL AGENDA REPORT**

City of Brawley

Meeting Date: January 20, 2015

City Manager: 

**PREPARED BY:** Steven Sullivan, Associate Civil Engineer

**PRESENTED BY:** Yazmin Arellano, Public Works Director

**SUBJECT:** Award of bid to Mar-Co Equipment Co. for Project No. 2014-07 Purchase of New Compressed Natural Gas (CNG) Street Sweeper.

**CITY MANAGER RECOMMENDATION:** Award Bid to Mar-Co Equipment Co. of Project No. 2014-07 Purchase of New CNG Street Sweeper in the amount of \$306,490.50 and authorize the City Manager to execute all documentation in relation to this project.

**DISCUSSION:** The City of Brawley received Congestion Mitigation and Air Quality (CMAQ) funding from the State of California Department of Transportation for the purchase of a new compressed natural gas (CNG) street sweeper.

On November 7, 2014, the City of Brawley Engineering Division advertised Project No. 2014-07 Purchase of New CNG Street Sweeper. On December 9, 2014, 2 bids were received as follows:

Mar-Co Equipment Co. Pomona, CA	\$306,490.50
Municipal Maintenance Equipment, Inc. Sacramento, CA	\$311,023.37

The local preference factor does not apply to this project since the funding source requires selection of the lowest responsive bidder.

**FISCAL IMPACT:** \$271,336.04 CMAQ grant (88.53%)  
\$35,154.46 Local Match (11.47%)  
\$306,490.50 Total

**ATTACHMENTS:** Bid Summary

<p><b>Mar-Co Equipment Co.</b>  130 Atlantic Street  Pomona, CA 91768</p>	<p><b>\$296,163.00</b>  <b>(with hopper coating)</b></p> <p><b>\$306,490.50</b>  <b>(with stainless steel)</b></p>	<p>[x] Proposal (Yellow Sheets)  [x] Proposal Signature Page  [x] Bid Schedule  [x] Acknowledgement of Addenda  [x] Bid Bond  [x] Non-Collusion Affidavit  [x] Public Contract Code 10162 Questionnaire  [x] Nondiscrimination Clause  [x] Equal Employment Opportunity Clause  [x] Equal Employment Certification  [x] Drug Free Workplace Certification  [x] Buy American Requirement Certification  [x] Federal Contract Provisions  [x] Disadvantaged Business Enterprise Information  [x] Non-Lobbying Certification for Federal-Aid Contracts  [x] Disclosure of Lobbying Activities  [x] Exhibit 12-G Attachment A/Section 14 Federal Requirements for Federal -Aid Construction Projects  [x] Exhibit 15-G Local Agency Bidder DBE Commitment  [x] Exhibit 15-H DBE Information - Good Faith Efforts</p>
<p><b>Nixon-Egli Equipment Co.</b>  2044 S. Vineyard Avenue  Ontario, CA 91761-7748</p>	<p><b>No Bid</b></p>	

**BID SUMMARY FOR SPECIFICATION NO. 2014-07:**

Purchase of Congestion Mitigation & Air Quality Improvement - CML 5167(033) Purchase of New Street Sweeper

**BID OPEN DATE:** December 9, 2014 @ 2:00 PM

CONTRACTOR	BID SCHEDULE	
<p><b>Municipal Maintenance Equipment, Inc.</b>                      2360 Harvard Street                      Sacramento, CA 95815</p>	<p><b>\$311,023.37</b></p>	<p>[x] Proposal (Yellow Sheets)                      [x] Proposal Signature Page                      [x] Bid Schedule                      [x] Acknowledgement of Addenda                      [x] Bid Bond                      [x] Non-Collision Affidavit                      [x] Public Contract Code 10162 Questionnaire                      [x] Nondiscrimination Clause                      [x] Equal Employment Opportunity Clauses                      [x] Equal Employment Certification                      [x] Drug Free Workplace Certification                      [x] Buy American Requirement Certification                      [x] Federal Contract Provisions                      [x] Disadvantaged Business Enterprise Information                      [x] Non-Lobbying Certification for Federal-Aid Contracts                      [x] Disclosure of Lobbying Activities                      [x] Exhibit 12-G Attachment A/Section 14 Federal Requirements for Federal -Aid Construction Projects                      [x] Exhibit 15-G Local Agency Bidder DBE Commitment                      [x] Exhibit 15-H DBE Information - Good Faith Efforts</p>

The City Council **approved** Replacement of Deteriorating, High Mileage Trucks Ranging in Year from 1998 to 2002 Currently Used by the Following Public Works Divisions: (2) Water Treatment Plant, (2) Wastewater Treatment Plant and (1) Pretreatment and Purchase of Five (5) 2015 Ford F150 Pickup Trucks in a Total Amount of \$106,249.15 from Downtown Ford Sales, Utilizing State Contract #1-14-23-20A. m/s/c Campbell/Noriega 5-0

- c. Discussion and Potential Action re: Award of Contract to Cal Stripe, Inc. for Project 1014-19 Street Striping Project in the Amount of \$99,454.56.

The City Council **approved** Award of Contract to Cal Stripe, Inc. for Project 1014-19 Street Striping Project in the Amount of \$99,454.56. m/s/c Noriega/Wharton 5-0

- d. Discussion and Potential Action re: Award of Bid to Mar-Co Equipment Co. for Project No. 2014-07 Purchase of New CNG Street Sweeper in the Amount \$306,490.50.

The City Council **approved** Award of Bid to Mar-Co Equipment Co. for Project No. 2014-07 Purchase of New CNG Street Sweeper in the Amount \$306,490.50. m/s/c Campbell/Couchman 5-0

- e. Discussion and Potential Action re: Purchase of a 2015 Ford F-350 Diesel Pickup with a Gooseneck Dump Trailer in the amount of \$59,269.16, Utilizing National Joint Powers Alliance Purchasing Contract #102811.

The City Council **approved** Purchase of a 2015 Ford F-350 Diesel Pickup with a Gooseneck Dump Trailer in the amount of \$59,269.16, Utilizing National Joint Powers Alliance Purchasing Contract #102811. m/s/c Campbell/Noriega 5-0

- f. Discussion and Potential Action to Approve Resolution No. 2015-02: Resolution of the City Council of the City of Brawley, California Appointing Members to the Brawley Airport Advisory Commission and Brawley Planning Commission to finish the term expiring June 30, 2015.

The City Council **approved** Resolution No. 2015-02: Resolution of the City Council of the City of Brawley, California Appointed Tony Friley to the Brawley Airport Advisory Commission and Robert Palacio to the Brawley Planning Commission to finish the term expiring June 30, 2015. m/s/c Nava/Campbell 5-0

- g. Discussion and Potential Action re: Authorization of Regional Animal Control and Stakeholder Group Cost Sharing Memorandum of Understanding with the County of Imperial and Neighboring Jurisdictions.

The City Council **approved** Authorization of Regional Animal Control and Stakeholder Group Cost Sharing Memorandum of Understanding with the County of Imperial and Neighboring Jurisdictions. m/s/c Noriega/Wharton 5-0

- h. Discussion and Potential Action re: Date for Ralph M. Brown Act Training

The City Council **tabled** this item to the next Council Meeting so City Attorney Bill Smerdon could look at dates being offered by other jurisdictions.



**CITY OF BRAWLEY  
PURCHASE OF NEW CNG STREET SWEEPER  
NOTICE AND INVITATION TO BIDDERS  
SPECIFICATION NO. 2014-07**

**NOTICE IS HEREBY GIVEN** that sealed bids for the Purchase of New CNG Street Sweeper will be received by the City of Brawley (City) in the offices of the City Clerk, 383 Main Street, Brawley, California 92227 until 2:00 P.M. December 9, 2014, at which time they will be publicly opened and read aloud. No late bids will be accepted.

The Contract for the work advertised will be awarded to the lowest responsive, responsible bidder. City reserves the right to reject all bids, waive any irregularities or to dispense with further bidding.

**BID BOND:** Shall be completed in the forms provided as per Instructions to Bidders, and accompanied by a Certified Check, Cashier's Check or a Bid Bond executed in favor of the City of Brawley in an amount of ten percent of the bid, to be forfeited as fixed and liquidated damages should bidder neglect or refuse to enter into a contract.

**COMPLETION OF WORK:** The work must be completed within 180 calendar days.

**LIQUIDATED DAMAGES:** of \$500.00 per calendar day are included in this project.

**PROJECT DESCRIPTION:** Provide a new CNG Street Sweeper delivered to the City in accordance with all provisions within the specifications.

**PRE-BID CONFERENCE:** A Pre-Bid Meeting will be held on November 20, 2014, to familiarize all interested bidders with the specifications. The meeting will convene at 10:00 A.M., at the Department of Public Works, 180 South Western Avenue, Brawley, CA. All interested bidders are encouraged to attend.

**DISADVANTAGED BUSINESS ENTERPIRSE (DBE):** The City of Brawley has a DBE goal of 0%.

**CITY'S RESPONSES:** The City's responses to questions that may be asked will be provided by an Addendum.

**BIDDING DOCUMENTS:** Bidding documents may be obtained from the Office of the City Clerk, 383 Main Street, Brawley, CA 92227, (760) 351-3059. Bidding documents will be mailed to bidder at bidder's request; however, City will not be responsible for delays in mail delivery. Monday – Friday, 8:00 A.M. – 5:00 P.M., closed for lunch between 12:00 P.M. -1:00 P.M..

**CONTRACT AWARD:** If a Contract is to be awarded, the City will give the successful Bidder a Notice of Award. The successful Bidder shall furnish to the City, within 10 calendar days of receipt of such notice the fully executed Contract Agreement.

Questions during the bidding process shall be directed to Mr. Pete Sanchez, 180 South Western Avenue, Brawley, CA (760) 344-1241 or Fax (760) 344-5612 or email: [psanchez@cityofbrawley-ca.gov](mailto:psanchez@cityofbrawley-ca.gov), no later than November 20, 2014 y 5:00 p.m.

**CITY'S RIGHTS RESERVED:** The City reserves the right to reject any or all bids, to waive any informality in a bid, and to make awards to the lowest responsive, responsible bidder as it may best serve the interest of the City.

PUBLISH: IMPERIAL VALLEY PRESS  
November 7, 2014  
November 18, 2014

*Alma Benavides*, City Clerk