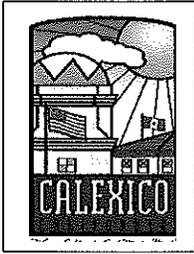


**AGENDA  
ITEM**

**9**



# AGENDA STAFF REPORT

**DATE:** September 1, 2015

**TO:** Mayor and City Council

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

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

**SUBJECT:** Approval of City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Meetings of August 11, 2015, November 7, 2012, January 27, 2009 and October 13, 2009

=====

**Recommendation:**

Approval of City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Meetings of August 11, 2015 and November 7, 2012, January 27, 2009 and October 13, 2009.

**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:**

Approval of City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Meetings of August 11, 2015 and November 7, 2012, January 27, 2009 and October 13, 2009 have been prepared for City Council review and approval.

**Fiscal Impact:**

None.

**Coordinated With:**

None.

**Attachments:**

Minutes for City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Meetings of August 11, 2015, November 7, 2012, January 27, 2009 and October 13, 2009.

**AGENDA  
ITEM  
9**

**THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY SUCCESSOR AGENCY/CALEXICO FINANCING AUTHORITY MET IN REGULAR SESSION ON THE 7<sup>TH</sup> DAY OF NOVEMBER, 2012 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-5:30 P.M.**

**CALL TO ORDER.**

The Closed Session portion of the agenda was called to order at 5:30 p.m.

**ATTENDANCE.**

Mayor: Daniel Romero  
Mayor Pro Tom: Maritza Hurtado  
Councilman: Bill Hodge  
Councilmen: John Moreno  
Councilman: Luis J. Castro

The City Council convened into Closed Session at 5:30 p.m. to discuss the following:

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to GC section 54956.9(a) – (3 cases) – (CASE NOS. ECU06863/ECU07106/ECU06787)
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code section 54956.9(c)- 2 cases
- D. CONFERENCE WITH LABOR NEGOTIATORS  
Agency Representatives: City Manager, City Attorney  
Employee Organizations: SEIU/CMEA

The City Council reconvened from Closed Session at 6:30 p.m. Items A, B and D were discussed, direction was given and no reportable action was taken. Item C - Mayor Pro Tem Hurtado recues herself on this item due to a potential conflict of interest with real property ownership. Remainder of council discussed the item. No reportable action was taken.

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

**CALL TO ORDER.**

The regular session portion of the agenda was called to order at 6:41 p.m. by Mayor Romero and Mr. Mark Baza led those present in the Pledge of Allegiance.

**ATTENDANCE.**

(All Council members were present: Moreno, Castro, Romero, Hurtado, Hodge)

**APPROVAL OF AGENDA.**

Mayor requested a motion approve agenda with items 8, public hearing 10 & 11 to be continued to Tuesday November 27, 2012. Motion made by Councilman Moreno, seconded by Councilman Hodge and passed unanimously.

City Attorney Lyon requested to open public hearing for items 10 & 11 to continue to November 27, 2012 @ 6:30 p.m.

Public Hearing opened at 6:45 p.m. and those present were advised that the item would be continued to the November 27, 2012 meeting at 6:30 p.m.

**PRESENTATION BY IMPERIAL VALLEY TRANSPORTATION AUTHORITY (IVTA) ON BUS SERVICES AVAILABLE TO CALEXICO.**

Mayor Daniel Romero requested Mr. Baza to make a presentation as a result of a confusion as to who provides services to Calexico.

Mr. Mark Baza, Executive Director of the Imperial County Transportation Commission, (ICTC) Agency that oversees and administers the contract for the Imperial Valley Transit operations. He provided the services provided by ICTC with the assistance of Mr. David Salgado. Mr. provided a list of services provided to the City of Calexico such as Dial-a-Ride, IVT Access for handicap and Med-Express, a service that operates four times a week for persons who require medical services in the San Diego area and Blue and Green Lines. A description of their fleet was given and advised they have new buses that will be put into circulation.

Mr. David Salgado gave an overview of the regional transit system. He explained the fixed routes and services within the City of Calexico and the services going outside Calexico. Another service is the IVC Express which provides a service to students going to Imperial Valley College.

Mr. Baza also provided an overview of future route for which they are preparing to run a study for intra-city service names the Orange Line. They are currently pursuing the funding for the orange line. They are also preparing a feasibility study for an intermodal transportation center for all services within the City of Calexico. They are also partnering with SDSU and IVC to carry out a shuttle study for service from SDSU to IVC and the Brawley campus. Also discussed were future projects with the City of Calexico concerning moving of bus shelters and the implementation of shadow buses between Calexico and El Centro and a full day service on

Saturdays and half day services on Sundays. Mr. Baza explained their goal is to have a service similar to the one in San Ysidro, California.

*Horacio Avalos* expressed his concerns about the homeless population in the City of Calexico. He asked the City to seek funding to have a place for the homeless to spend the evenings so the police officers do not make them leave the parks and force them to spend the night on streets and in parking lots especially during the holiday season. Also asked for repairs to the City Parks.

*Mrs. Carmen Estrada*, stated they have a project at Adrian Cordova Park and asked the City to work with the citizens on the project.

*Diana Daniels, Animal Control*, thanked the Council, Calexico PD and Lt. Gerardo, Rogers and Rogers, Starbucks and the citizens for their support with the walk-a-thon in support of the Animal Shelter.

*Mr. Javier Lopez, Resident at Holdridge and Andrade*, expressed his concern regarding the building of a public restroom. Neighbors are opposed and upset for this construction because they were never notified. Mayor Romero advised him the project has been suspended and will be taken to the Recreation Commission for public comment and to have all procedures addressed and followed. Mr. Lopez thanked City Manager Oscar Rodriguez for his assistance on this matter.

*Mr. Ricardo Ortega, Calexico Neighborhood House* spoke on Consent Agenda Item No. 2 and requested the item to be pulled. He stated that particular services being contracted out to San Diego and the Calexico Neighborhood House already provides these services and when asked by the City of Calexico to provide the services free of charge, it was agreed. Now the services are being contracted out and Calexico Neighborhood House wants the opportunity to present their projects and services for over \$ 100,000.00.

*Javier Gonzalez, 237 Hernandez Court*, Supports Consent Agenda Item No. 4 presented and asked for benches as parks be placed in the appropriate areas and not in retention bases. In addition, he recommended that if benches are placed at Kennedy Gardens and behind homes that they are strapped down.

#### **GENERAL COMMENTS BY COUNCIL MEMBERS**

Councilman Hodge thanked Ms. Daniels for the Hallowoofween event and thanked Councilman Moreno for his participation on the sub-committee. He attended the Think Pink Gala, a worthwhile event and thanked Mayor Hurtado for the event. He also reported on the Imperial County Transportation Committee concerning a study commissioned in December 2010 by SCAG to address the mobility of commerce at the Mexicali/US Border. Mr. Hodge addressed the accomplished within the past month. He asked if any streets or roads were repaired within the last month. Public Works Director Servin stated preparation work is being done prior to any work being done on streets. He asked if any parks had been enhanced, seeding, add shading, sprinklers, add playground other than maintenance. Servin advised him the seeding was done over the summer; repairs were made at Daniel Gutierrez. He advised there was a 3 inch pipeline repair

at Nosotros Park. He stated bids are out on shades and should be installed in a few weeks. He stated lighting was repaired at Rodriguez Park and in the downtown green areas. Councilman Hodge apologized to the public for the condition of the parks and stated he would do his part to improve the parks.

Councilman Moreno commended Councilwoman Hurtado for her work with the event on preventing cancer. Thanked Ms. Daniels for her work on the Hallooofween event. He stated the need for the Town Hall meeting on the west side at Esquer Building and look at progress for the past year.

Councilman Castro thanked the Police Department for hosting the talent show and to the parents who took their kids. Requested update on the transit for the east port and coordinate with Mexicali to bring the customers from the east port to Calexico. Mayor Romero provided an update on the service.

Mayor Pro Tem Hurtado, stated that ARC has a service in Calexico that takes the citizens to their Dr.'s appointment. Thanked everyone who attended the Think Pink Gala. Also collaborated with Mexicali with the Lazo Rosa. She was invited by the Mexican Consulate to cooperate with them on Dia de los Muertos emphasizing breast cancer. Provided update on the swimming pool project with the school district. She also attended the Talent Extravaganza and commended Councilman Hodge and Councilman Moreno. Southwest Border Bikers will host a bike run to assist the kids and badges program.

Mayor Romero congratulated Councilman Moreno and Councilman Castro on their re-election. He also congratulated Mr. Joong Kim on his election to the Council. Mayor Romero wished Mayor Pro Tem Hurtado and Councilman Hodge luck on being names Mayor and Mayor Pro Tem. He reported on a property on south side of the fence next to Hermosillo's car lot. He stated the structure does not meet code. Reported also reported the retention basin on Andrade, Holdridge and Rosas the west side is not getting water. Nick Servin informed that the sprinklers were off and has been corrected. Thanked Councilwoman Hurtado for the Think Pink Gala and to Diana Daniels for the walking of the dogs. She congratulated the Police Department, the Chamber of Commerce and Chief Neujahr for the successful event. He also commented on the dedication of the swimming pool to Mrs. Margarita de Necochea and hoped that the swimming pool happens by next year.

City Manager Rodriguez informed the Council that the annual toy drive will be taking place soon and she will be seeking donations.

## **CONSENT AGENDA**

Councilman Moreno pulled items 2 and 4 for discussion.

Councilman Castro pulled Item No. 6 for discussion.

Motion was made by Motion by Hurtado, seconded by Councilman Moreno to approve Item No.'s 1, 3, 5 and 7 of the consent agenda as follows: Approval of Minutes for City Council/Successor Agency of the Calexico Redevelopment Agency/Calexico Special Financing Authority for

September 18, 2012; Approval to Award Bid Proposal to Ferguson Enterprises, Inc. in the amount of \$ 25,203.20 for purchase of drinking fountains for various parks; Approval of Resolution of the City Council of the City of Calexico Prescribing the Depository of City Funds and Prescribing the Method of Drawing Warrants and Checks of the City of Calexico; Approval on contracting with Calexico Chamber of Commerce for coordination services related to the Annual Calexico Christmas Parade. Motion passed unanimously.

**ITEM NO. 2 - APPROVAL OF THE SUB-RECIPIENT AGREEMENT WITH THE SOUTHWESTERN COMMUNITY COLLEGE DISTRICT, HOST AGENCY OF IMPERIAL SMALL BUSINESS DEVELOPMENT CENTER (IVSBDC) TO PROVIDE TECHNICAL ASSISTANCE TO MICROENTERPRISE BUSINESSES.**

Councilman Moreno stated he agree with Mr. Ortega and allow Neighborhood House to be part of this service. Hurtado stated that this item was already approved.

Carlos Figari, Small Business Development Center (SBDC). He stated that Calexico Neighborhood House was a host agency to SBDC. Calexico Neighborhood House ended their relationship with Southwestern College. He explained that he lives here and he assists the citizens of Calexico.

Mr. Ortega stated the application to the State said that Calexico Neighborhood House and they were going to provide the services for free. He pointed out that the services are being contracted out for \$100,000 when the Calexico Neighborhood House was going to provide for free. He requested to be transparent, fair and why pay for service when it can be obtained for free.

Mayor Romero asked if the funds could be used for parks. City Manager Rodriguez stated the funds are used per the restrictions of the grant.

Councilman Castro stated the issue of saving \$100,000. He further stated that these programs should be open to other agencies if they are qualified to submit their proposals. This is a concern about Administration.

Mayor Romero asked City Manager Rodriguez how the council voted on this matter. He was informed that it was a unanimous vote.

After a lengthy discussion on the issues pertaining to the services to be provided, the host agency, the curriculum and the \$100,000 funding for the community, Councilman Moreno made a motion to approve the Sub-Recipient Agreement with the Southwestern Community College District, Host Agency of Imperial Small Business Development Center (IVSBDC) to Provide Technical Assistance to Microenterprise Businesses, motion was seconded by Mayor Pro Tem Hurtado and passed by the following vote to wit:

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

ABSTAIN: None

**ITEM NO. 4 - APPROVAL TO AWARD BID PROPOSAL TO GREAT WESTERN PARK AND PLAYGROUND IN THE AMOUNT OF \$17,835.84 TO PURCHASE PICNIC TABLES AND BENCHES FOR VARIOUS PARKS.**

Councilman Moreno spoke about park benches not being placed on retention basins and questioned whether Daniel Gutierrez Park and Las Casitas were retention basis. He was informed that they were retention basins.

Mr. Servin explained that the application was approved by the State with these parks and therefore the locations cannot be changed.

Motion made by Councilman Moreno, seconded by Councilman Hodge and passed unanimously to approve the award of bid proposal to Great Western Park and Playground in the Amount of \$ 17,835.84 to Purchase Picnic Tables and Benches for various parks.

**ITEM NO. 6 - APPROVAL OF AGREEMENT BETWEEN CITY OF CALEXICO AND HUNTER EMPLOYMENT AGENCY FOR TRAFFIC CONTROL STAFFING SERVICES.**

Councilman Castro asked Mr. Quinn for the cost to continue with Hunter Employment Agency and employ 8-10 temporary employees. Mr. Quinn explained the cost is \$ 11.84 per hour for a total contract up to \$ 50,000.

Councilman Castro suggested to contract with students from IVC through a work study program.

Lt. Gerardo explained they use IVC only provides four to six students however it takes twelve to fourteen students to conduct traffic control services for the high season.

Councilman Castro's concern about this issue is because he spoke to Maritza at the work study program and she stated they can contact employees to assist the City. She further stated that if the City works with the work study program, the City only pays 35% of the cost per employee.

Lt. Gerardo stated that when the students from work study only work when school is in session for twenty hours a week and Hunter will work through the holidays.

Mayor Pro Tem Hurtado stated the students can only supplement and not replace full time staff.

Motion was made by Councilman Castro, seconded by Councilman Moreno and passed unanimously to approve the Agreement between City of Calexico and Hunter Employment Agency for Traffic Control Staffing Services.

**AWARD OF BID PROPOSED BY PLUMBERS DEPOT, INC. IN THE AMOUNT OF \$ 382,420.19 (EQUIPMENT COST) WITH A 60 MONTH LEASE PURCHASE, 3.1%**

**INTEREST RATE FOR PURCHASE OF A TRUCK MOUNTED COMBINATION JET/VACUUM MACHINE.**

Nick Servin, City Engineer/Public Works Director recommended to reject the bid from Haaker because they will not provide the transmission requested in the specifications.

He explained the City will pay approximately \$20,000 more for the next bid but will get the vehicle requested in the bid. Mr. Servin stated he has researched the machine and it will suit the City's needs a lot better.

David King, 4378 Hoffinger Way, Riverside, CA representing Haaker Equipment spoke about the bid process and the mistakes with the first bid. He stated the specifications gave an option for the tanks and Haaker did everything the bid requests and was \$80,000 less and took the option that was less desired. The bid went out again and we rebid, Haaker was still \$80,000 less and still Haaker did not receive the bid even though they were saving the City \$80,000. This time it was not recommended due to the transmission. He stated there is no need for the transmission and the factory did not recommend putting in the transmission. Mr. King stated the City is spending more for the vehicle.

Council requested more information on the item from Mr. Servin. Mr. Servin explained the bid process and the changes to the specifications and the issue with the transmission. He stated the last bid specifications called for a 4500 series transmission and Haaker is providing a smaller transmission. He stated staff called other agencies which have both machines which stated the larger transmission perform better.

City Attorney Lyon stated the City's purchasing policy states it is the lowest responsive bidder and when a company does not meet the bid specifications they cannot be deemed responsive. The first item Staff is requesting to reject the Haaker bid even though the price is low, it is not the product in the specifications.

Juan Martin with Plumbers Depot spoke about the bid process and questioned why Mr. King is changing the specifications. He stated the City has researched the equipment and it should be bid as the City wants.

Motion by Mayor Pro Tem Hurtado to reject all bids and take back to staff to review bid, motion seconded by Councilman Hodge and passed by the following vote to wit:

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

**APPOINTMENT OF TWO CITY COUNCIL MEMBERS TO PARTICIPATE ON THE CITY CLERK INTERVIEW PANEL.**

Motion was made by Councilman Moreno, seconded by Mayor Romero and passed unanimously to appointed Councilman Hodge and Mayor Pro Tem Hurtado to be part of City Clerk Interview Panel.

## **PUBLIC HEARINGS**

**PUBLIC HEARING TO CONSIDER APPROVAL OF UNIFORM APPLICATION NO. 2011-02 NEGATIVE DECLARATION NO. 2011-01, CONDITIONAL USE PERMIT AND TENTATIVE SUBDIVISION MAP FOR CONDOMINIUM PURPOSED FOR LAS PALMAS MOBILE HOME PARK.**

Item adjourned to November 27, 2013 meeting at 6:30 p.m.

**PUBLIC HEARING TO CONSIDER UA2012-13 – TENTATIVE SUBDIVISION MAP NO. 059-455-0 (FOR CONDOMINIUM PURPOSES), PROPOSED ZONE CHANGE NO. 2012-01, FROM R-A, RESIDENTIAL APARTMENT TO PUD, PLANNED UNIT DEVELOPMENT, CONDITIONAL USE PERMIT NO. 2012-03 AND NEGATIVE DECLARATION NO. 2012-01 FOR APPROXIMATELY 2.07 ACRES OF LAND GENERALLY LOCATED ON SOUTHEAST CORNER OF COLE BOULEVARD AND CLINTON AVENUE.**

Item adjourned to November 27, 2013 meeting at 6:30 p.m.

## **INFORMATIONAL ITEMS**

**STATUS FROM TIME WARNER CABLE DATED 10-05-2012.**

Council acknowledged receipt.

**ACKNOWLEDGE RECEIPT OF SEPTEMBER 2012 SPECIAL ANALYSIS OF THE DELINQUENT BUSINESS LICENSES.**

Council acknowledged receipt.

## **FUTURE AGENDA ITEMS**

Councilman Hodge requested an action plan to prioritize streets and roads with timelines and requested a plan to honor the employees and retiring employees to provide them recognition and suggested a monetary award.

Councilman Moreno suggested a focus group, with someone from Police Department and Abatement for a policy and remedy to the graffiti issue.

Mayor Pro Tem Hurtado requested a presentation on homeless issue and services and invite Mr. Ricardo Ortega to make the presentation. Also requested for Staff to look into the bike parking at Border Park because motorcycles and mopeds are taking the bike parking spaces.

Mayor Romero requested letter from State Controller regarding acceptance of the Annual Audit Report as an informational item. Requested agendas before the week of Thanksgiving.

### **ADJOURNMENT**

City Attorney requested City Council Adjourn tonight's regular meeting to November 27, 2014 at 5:30 Closed Session and 6:30 Open Session and that the City Clerk post a notice of cancellation for the meeting of November 20, 2014.

Councilman Moreno motioned to adjourn tonight's meeting to November 27, 2014 at 5:30 p.m. for Closed Session and 6:30 p.m. Open Session. Motion was seconded by Councilman Hodge and passed unanimously and adjourned at 9:21 p.m.

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Daniel F. Romero, Mayor

Attest:

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Lourdes Cordova, City Clerk

**THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY SUCCESSOR AGENCY/CALEXICO FINANCING AUTHORITY MET IN SPECIAL SESSION ON THE 11<sup>TH</sup> DAY OF AUGUST 2015 AT 5:30 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**

Mayor Kim called the closed session portion of the agenda to order at 5:45 p.m.

**ROLL CALL**

**PRESENT:**

Mayor: Joong S. Kim  
Mayor Pro Tern: Luis J. Castro  
Council Member: Armando Real  
Council Member: Maritza Hurtado

**ABSENT:**

Council Member: John M. Moreno  
*Council Member Moreno arrived at 6:25 p.m.*

**CLOSED SESSION PUBLIC COMMENTS:** No Public Comments.

**ADJOURN TO CLOSED SESSION.**

Mayor Kim questioned Item No. 9 on the agenda.

City Council convened in closed session at 5:55 p.m. to discuss the following:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: 405 Grant Street, Calexico, CA 92231-2047; APN: 058-333-009  
Agency Negotiators: City Manager, City Attorney, Leota Lovelace and Steve Parent  
Negotiating Party: Susana and Bonifacio Favela  
Under Negotiation: Price and Terms  
Govt. Code Section 54956.8
2. CONFERENCE WITH REAL PROPERTY NEGOTIATION  
Property: 711 Cesar Chavez Blvd., Calexico, CA 92231; APN: 058-400-049  
Agency Negotiators: Richard Warne, City Manager, Mark Austin, City Attorney, Leota Lovelace and Steve Parent  
Negotiating Party: Luis Humberto Barriga Rodriguez

Under Negotiation: Price and Terms  
Govt. Code Section 54956.8

3. CONFERENCE WITH REAL PROPERTY NEGOTIATION  
Property: 475 Cesar Chavez Blvd. Calexico, CA 92231-2128; APN: 058-400-012  
Agency Negotiators: Richard Warne, City Manager, Mark Austin, City Attorney, Leota Lovelace and Steve Parent  
Negotiating Party: Jose and Martha Rodriguez  
Under Negotiation: Price and Terms  
Govt. Code Section 54956.8
4. CONFERENCE WITH REAL PROPERTY NEGOTIATION  
Property: 721-781 Cesar Chavez Blvd., and 438 W. Grant Street, Calexico CA 92231;  
APN: 058-334-002 and 058-334-005  
Agency Negotiators: Richard Warne, City Manager, Mark Austin, City Attorney, Leota Lovelace and Steve Parent  
Negotiating Party: Gasolineria Cesar Chavez, Inc.  
Under Negotiation: Price and Terms  
Govt. Code Section 54956.8
5. CONFERENCE WITH REAL PROPERTY NEGOTIATION  
Property: 705 Cesar Chavez Blvd., Calexico, CA; 058-400-034  
Agency Negotiators: City Manager, City Attorney, Leota Lovelace and Steve Parent  
Negotiating Party: Southern Pacific Co  
Under Negotiation: Price and terms of lease
6. CONFERENCE WITH REAL PROPERTY NEGOTIATION  
Property: 421 Cesar Chavez Blvd., Calexico, CA 92231-2101; APN: 058-400-013  
Agency Negotiators: City Manager, City Attorney, Leota Lovelace and Steve Parent  
Negotiating Party: Pablo and Elaria Virgen Trust  
Under Negotiation: Price and terms of lease
7. CONFERENCE WITH REAL PROPERTY NEGOTIATION  
Property: 420 Cesar Chavez Blvd., Calexico, CA 92231; APN: 058-400-045  
Agency Negotiators: City Manager, City Attorney, Leota Lovelace and Steve Parent  
Negotiating Party: Allen Earley Trust  
Under Negotiation: Price and terms of lease
8. CONFERENCE WITH REAL PROPERTY NEGOTIATION  
Property: 420 Cesar Chavez Blvd., Calexico, CA 92231; APN: 058-400-046, 058-400-047 and 058-400-23  
Negotiating Party: Allen Earley Trust  
Under Negotiation: Price and terms of lease

**9. CONFERENCE WITH REAL PROPERTY NEGOTIATION**

Property: Cesar Chavez Blvd and W. 2nd Street, Calexico, CA 92231 / 300 W. 2nd Street, Calexico, CA 92231; APN: 058-400-029

Agency Negotiators: City Manager, City Attorney, Leota Lovelace and Steve Parent

Negotiating Party: Dollarmont Holdings

Under Negotiation: Price and terms of lease

City Council reconvened from Closed Session at 6:41 p.m.

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

**SPECIAL SESSION AGENDA  
6:30 P.M.**

**CALL TO ORDER**

Mayor Kim called to order the open session portion of the agenda at 6:48 p.m.

**ATTENDANCE** (All Council Members were present)

**PLEDGE OF ALLEGIANCE**

Mr. Eddie Guzman led those present in the Pledge of Allegiance.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Austin stated no action was taken.

**APPROVAL OF THE AGENDA**

Motion was made by Council Member Moreno for the approval of the agenda as presented. Motion was seconded by Council Member Real and passed unanimously.

**PUBLIC COMMENTS AND PUBLIC APPEARANCES**

Mr. Eddie Guzman asked what the City was basing the price for the leases for the properties. City Manager Warne advised him he could not discuss closed session matters and advised him the City has a major project with the widening Cesar Chavez Blvd., which necessitates the acquisition of certain properties and it was acquisition and not for leases.

Mayor Pro Tem Castro asked the City Manager why there was a change of time for the Council meeting for last Tuesday to tonight and there was no meeting last Tuesday because he only received a letter but no back-up. City Manager explained the majority of the Council expressed they wished to not have the council meeting last Tuesday in favor of having the budget workshop

for tonight.

Mayor Kim stated the Council broke the Brown Act because the three cannot vote because he and Mayor Pro Tem Castro were not present.

City Manager stated information came to him that the majority of the Council wished to have the format to cancel the meeting last week and instead have a workshop for tonight.

City Attorney Austin advised the Council that under special meetings there is a particular rule that only items on the special meeting agenda can be discussed and that there is no item on the agenda for Council comments.

Council Member Real requested for clarification on the process for cancelling meetings.

Mayor Kim reported on letter from the State Controller regarding the City's failure to comply and submittal of the single audit and requested the information be included with the public minutes.

Council Member Hurtado called for the question to get back to business.

City Attorney Austin advised against continuing with discussion on the item and requested Council to stop the conversation on the document and move forward to the Budget Workshop.

Mayor Kim submitted the document from the State Controller's office to the Clerk for the minute record.

### **BUDGET WORKSHOP FOR FISCAL YEAR 2015-2016**

City Manager Warne provided a report on the proposed budget for fiscal year 2015-2015. He stated one of the most important things the Council does is adopt the annual budget. He state the budget should be a financial plan, an operations guide, a policy document and a communications device. He stated the budget has been prepared and incorporates the budgetary principles outlined.

City Manager Warne reported on the question concerning Cesar Chavez Blvd., and advised the Financing Plan for Cesar Chavez Boulevard is on Page 19 and the Project for \$ 11,373,698 with a City's share of \$ 2,723,698. He advised the budget allocates 2,383,999 in Measure D Bonds for the widening of Cesar Chavez Blvd.

City Manager began his report with the Executive Summary which takes the important budget principles, important revenues and expenditures and it is summarized. Following there is a City Manager Budget Overview which begins on page 29 which takes budget information discussed in depth with regards issues and financing and expenditures. The overview includes discussion on Gran Plaza, a discussion on the Downtown Intermodal Transportation Facility project, in order to get an understanding of the major issues facing Calexico and impact the City's budget in depth.

City Manager Warne spoke about Section 1 - Calexico Strategic Planning Implementation and Evaluation Decision-Making Process, Section 2 - Organization of the City of Calexico to

accomplish the objectives of the City Council and the objectives of the Strategic Plan on page 135, Section 3 – A description of Financial and Reporting System on Page 151, Section 4 on page 159 the Accounting, Investment, Fixed Asset, Financial, Capital Improvement and Budget Policies which addresses the policies in place in place to guide the financial transactions of the City, Section 5 - Summary of Loans and Notes Receivable and Long-Term Debt on Page 197 and on page 208 there is a section on Budget Summaries, Section 7 - General Fund Revenues and Expenditures Budget Section which goes department by department, Section 8

Section No. 9 Capital Improvements on page 412 is very import and explains that all the capital expenditures or projects are listed with the various funding sources. He addressed specific projects on the list and showed how each project is being financed.

Council Member Real questioned why the General Fund was not on the list. City Manager advised that each project is listed shows how it is being funded and there are virtually no capital projects in the general fund because they are funded with state and federal grants, utility special funds, Successor Agency funds, impact fees and other funding sources.

City Manager explained fund (government) accounting which is very different from private sector accounting. He stated is more complex due to the different accounting funds. He stated the City operates a water business, a sewer system just like other businesses. Fund accounting is like the City operating separate businesses under the umbrella of City government.

City Manager Warne stressed that the budget is prepared during very difficult and challenging financial economic and political times. He spoke about revenue collections and the local economy. He directed Council to Page 108, Table 27 – Net Taxable Assessed Value History and pointed out there was steady increase in property tax revenues until Fiscal Year 2009 when it began to drop off. He stated this year there was a 3.8% decrease in assessed property value. He stated there was 3.08% in assessed property value tax. He pointed out there a \$42 million increase in assessed values of which \$33 million was from Gran Plaza. He further stated the City has not recovered, in terms of property value, since the recession.

Council Member Real commented on property taxes in 2008 was the highest value ever and increasing to these values is not where near in the near future.

City Manager stated that in Figure 28 in 2009 the property taxes changed and the collection in 2009 went up to \$4,782,000 which corresponds with the increased in assessed valuation and then drops off in 2014 to \$4,039,000 and the City still has not recovered. He addressed Figure 31 on Page 112 which compares the City to other cities in the Imperial Valley with regards to property tax growth. This shows that with the exception of the City of Imperial, Calexico was the leader and this was due to the \$33 million for Gran Plaza. On Figure 32 it shows the single family home sales value history increase and drop and is slowly recovering. On Page 114 you can see where the single family homes sales median went up in 2013 from \$ 150,000 to \$ 175,000 or a 16% increase.

City Manager explained the voters passed Proposition 8 some years after approval of Proposition 13 in 1978 that basically says that if the value of property goes down, the County is required to

reassess the property so values go down. In addition, as the property values increase, the County is supposed to reassess so the value goes up even if the property was not sold. He advised that housing prices are rising (Figure 34) and other counties are reassessing their properties to reflect housing increase in value prices. The Imperial Valley has only had less than 1% adjustment as a result of increase in price due to home sales. This is despite the fact that last year there was a 16% increase. The assessors are supposed to reassess the properties but this is not happening in the Imperial Valley. This is one of the reasons our property tax valuation has not recovered.

Council Member Real asked if there is a time frame that Counties go by to make the change. City Manager Warne advised him they are supposed to go on an annual basis but the County Assessors are under no mandate by law as to when they have to do it. They are supposed to look at the market and do the reassessment.

City Manager addressed sales tax on Page 116 which shows a chart with Non-Measure H collection. He stated the City had a high sales tax collection in 2007 of \$5,334,509 which dropped to almost half in 2012 at \$2,663,407. This shows that property tax, sales tax have all fallen and have not recovered. Now, with the adoption of Measure H in 2010, the increase in sales tax has increased and is higher.

Figure 37, compares Calexico per capita sales with the cities of El Centro, Coachella and Brawley. He explained the context on where the City is at pertaining to revenues and stated the City is beginning to come back but very slowly. He stated that on Page 120, Figure 40, it shows cost drivers from 2010 to 2016 it shows the employer contributions have risen over time for employee retiree costs. In addition, the City has had discussions on insurance, poor loss history, workman's compensation and liability which have also increased and is outlined in Figure 41. The City has also had to absorb costs for increased medical insurance and this year there is an anticipated 11% increase. City has also absorbed the Fire Fighters which were hired under the Safer Grant in order to keep these Fire Fighters and this cost an additional \$ 341,880.

Council Member Real how many fire fighters were covered with the \$341,880. City Manager Warned stated it was for three Fire Fighters.

City Manager addressed Executive Summary on Page 5 – General Fund and stated the General Fund is balanced with revenues and expenditures \$17,952,129 and there is a fund balance in General Fund of about \$3,893,721 and expenditures across all accounting funds are expected to be \$7,394,372 and a lot of this is for Capital Projects being financed by outside sources. He directed Council to Page 6 for a breakdown of the General Fund Revenues. He informed that the taxes represent approximately 73% of all tax revenues. On Figure 2 on Page 7 – General Fund Expenditures and explained the Fire Department expense is \$4,213,750 or 23% of the General Fund and Police and Fire are approximately 60% of the General Fund budget.

Council Member Real asked if this includes the six officers that are supposed to be hired. City Manager advised him the vacancies have been budgeted.

City Manager further explained on Page 8, Figure 3, it takes the General Fund and breaks it down between Personnel Services, Maintenance and Operations and Capital Expenditures it shows that

with exception of \$20,000 there are hardly any Capital Expenditures in General Fund, Personnel Services for \$14,045,873 represents 78% of the General Fund and 22% for Maintenance and Operations.

Council Member Moreno asked if the Pie Chart that reflects 78% for Personnel is in line with other cities where personnel takes three fourths of the budget.

City Manager explained this not the entire City budget, this is only the General Fund. He further stated most cities are at 60, 70 or 80% because most cities do what we do which is taking the personnel costs from General Fund and Capital costs come from grants, utility funds and others.

City Manager also discussed All Accounting Funds on Figure 4 which shows all of the accounting funds for the City. He explained this breaks down the accounting funds and from where they receive their revenues. He explained that in taxes, all the funds collect \$ 18,444,941, in Intergovernmental revenue which is grants we collect \$10 million across all accounting funds. This information is depicted on the pie chart on page 11.

Council Member Real asked about last year's total amount which is less by a range of \$50,000 to \$60,000 from the \$70 million. City Manager Warne explained that it is actually more because the City will receive more intergovernmental revenue from grants and will spend more on bonds. He explained the Capital Projects number is higher due to the bond capital projects going on this year.

City Manager proceeded to explain Figure 6 on Page 12 which shows all the accounting funds such as accounting fund, personnel services, maintenance and operations, capital expenditures, debt service for a total of \$35 million in capital projects for this year. City Manager explained that if all funds including General Fund are totaled together, the personnel services are only 25% of the entire budget.

City Manager provided the breakdown of the Capital Improvement Projects for Fiscal Year 2016 from Page 16 of the Executive Summary.

Council Member Moreno asked about the Skate Park at Heber Park.

Mayor Kim asked about the funding for the Skate Park.

City Manager spoke about how the City will design and construct a skate park at Heber Park using \$656,750 in three housing-related Parks Grants from the Department of Housing and Community Development and combining it with \$396,298 from Park and Recreation Impact Fees.

Mayor Kim asked if the housing-related parks grant could be used for Cordova Park. City Manager advised it could be used for Cordova Park. He also explained the City has three housing-related parks grants; for Heber Park, Rockwood Plaza and Cortez Park. He stated they are being combined to build one facility at Heber Park and this is how you get \$ 656,750. He also pointed out two of the grants expire next year so the City needs to move on the project.

Council Member Real asked if this takes away from the \$2 million the City has for Cordova Park.

City Manager advised him the funds for Cordova Park are separate and the allocation is for \$1,480,724 from bond funds, \$300,000 will be used for Reisin Field and \$ 80,000 for park at 5<sup>th</sup> and Andrade.

Council Member Real asked if these funds were also on a time table. City Manager stated they should be spent expeditiously.

City Manager Warne addressed Streets and Roads and reported the City has been working on various streets projects as shown on pages 21 and 22 for the past years and provided a list of streets completed in 2014 along with the costs on Figure 10 and Figure 11 shows the same for 2015. On Figure 12 on Page 22 it shows what will be done in 2015-2016 and Cesar Chavez Boulevard is on the list for \$ 2,383,899.

Figure 13 – Debt Service. He explained the Fiduciary Fund – Long Term Debt is for the former Redevelopment Agency. He stated the payment of debt service does not affect the City because principal and interest payments come from the former tax increment and are automatically covered when the City does the Recognized Payment Obligations under the Redevelopment Dissolution laws. All the principal and interest funds are covered and therefore does not affect the General Fund or any other City fund even though it is technically a debt. He further explained the \$34 million does not have the impact that people perceive. He spoke about the proprietary long term debt for Water and Sewer which is for \$14 million, and General Long Term debt for Measure H and Measure D.

Council Member Real asked why there was water and sewer debt if there is excess money in the fund and it could be paid off. City Manager Warne advised he would have to see the bond covenants and explained that on page 202, it shows the proprietary long term debt on Figure No. 46 for the 2007 Water Systems Lease Revenue Bonds for \$ 13,660,000 and the State Department of Water Resources State Revolving Fund Loan which is explained on page 203.

Council Member Real asked where in the budget you would find the enterprise fund where it shows the savings in the fund. City Manager directed him to Page 212 – Propriety Enterprise Accounting Funds and addressed the three Enterprise Funds; Airport, Water Enterprise Fund and Wastewater Enterprise Fund and it shows the estimated cash balance at the beginning of the year and how much is proposed to spend in estimated cash value how at the end of the year.

Council Member Real pointed out there is \$21.9 million in July and there should be \$19.5 on June 30, 2016 making cash reserves of \$19.5 million. City Manager Warne stated the City raised the sewer rates with anticipation of building a new sewer treatment plant and so this fund has been growing and the water enterprise fund is healthy however the City is spending money to address many long term needs. He further stated this past year repairs and replacements have been made at the plants.

Council Member Real asked if the piping will be replaced on Cesar Chavez Boulevard now that the street will be replaced. City Manager advised it was part of the budget on Page 16, Item No. 27 – Cesar Chavez Blvd, and 5<sup>th</sup> Street Replacement of Water Main is for \$1.2 million.

Council Member Moreno asked what type of pipes were under Cesar Chavez Boulevard. Mr. Servin stated they were steel water pipes and clay sewer pipes. He also advised the City could easily spend \$4 million for all the repairs on Cesar Chavez Boulevard and funding will come from the Water Enterprise Fund.

Council Member Real asked if the Water Treatment Plant currently sends out for testing and if with the new equipment going to be purchased, it will we save the cost of going out for testing. Mr. Servin explained the City is completing a state of the art laboratory however, the City still has to send out for third party testing.

Capital Improvement Project No. 9 – New River Parkway Project – Funding on Page 395 which comes from two grants from Caltrans and from California Natural Resources Agency.

City Manager advised the new water meters will all be installed beginning the coming week.

Mayor Pro Tem Castro questioned whether the Grant for Capital Improvement Project No. 15 Compressed Natural Gas Station Installation at Public Works Yard is coming from the State. City Manager advised the funding is coming from Caltrans. Mayor Pro Tem Castro asked if the City could build a facility to work with the public. Mr. Servin stated there is other CMAC funding and Council Member Real asked if there is any way that the natural gas pumps can be opened up so the people can purchase from the City. Mr. Servin advised him these type of stations are privately funded and the City is not in the business of competing with other gas companies.

Mayor Pro Tem Castro stated the Calexico Unified School District facility operation is not 100% in service and asked if the City could instead of just having the facility for the City, to open it up to the public. Mr. Servin explained that with this grant, the City cannot do this however, in the future this could be looked at.

Council Member Real stated he does not see in the budget the replacement of Rodriguez Field which burned down and asked if there was funding in the budget for the repairs. City Manager advised it was not in the budget however the he would look into the costs.

Mayor Kim stated the information has been presented and reviewed, now Council could review the document and asked the City Manager provide all the information to the Council.

City Manager invited the Council Members to come and see him to address their questions and address the budget. He also invited the public to come to see Staff and ask any questions they have on the budget.

Council Member Moreno congratulated the City Manager Warne and his staff for preparing an in depth and complete document.

Council Member Hurtado spoke about Springbrook and asked if it was part of the budget. Finance Director Quinn stated Springbrook has been in for about a year and has been running for about seven months. He stated it is close to being completed with the transfer of general fund and other funds. He expressed his pride for the Staff in the Finance Department. Mr. Warne thanked Mr.

Quinn for the leadership in implementing the Springbrook software.

Mayor Kim asked if the budget workshops be on the website and budget document online and requested the Single Audit be placed on the website.

Eddie Guzman stated the valley is the worst place to refill with natural gas and he stated that the more the people are enticed the more grant funding is available to the city and there is a cap on the cost per gallon.

Mayor Kim spoke on CNG gas and stated that since the Calexico Unified School District cannot provide the service, he asked if the City could provide a facility for the community and this would be better for the community.

### **ADJOURNMENT**

There being no further business, a motion was made by Council Member Real to adjourn the meeting at 8:14 p.m. Motion was seconded by Council Member Moreno and passed unanimously.

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Joong S. Kim, Mayor

### **ATTEST**

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Gabriela T. Garcia, Deputy City Clerk

**THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY MET IN SPECIAL SESSION ON THE 27<sup>TH</sup> DAY OF JANUARY, 2009 AT 6:30 PM. 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.**

**SPECIAL SESSION- 6:30 P.M.**

**ATTENDANCE.**

Mayor: Louis Fuentes  
Mayor Pro Tem: David B. Ouzan  
Councilman: Luis J. Castro  
Councilman: Daniel F. Romero  
Councilman: John M. Moreno

**CALL TO ORDER.**

The special meeting was called to order at 6:30 p.m. by Mayor Fuentes and those present were led in the Pledge of Allegiance by City Attorney Lyon.

**APPROVAL OF AGENDA.**

A motion was made by Mayor Pro Tem Ouzan, second by Councilman Moreno and passed unanimously to approve the agenda as presented.

Direction was given by Mayor Pro Tem Ouzan to add on next City Council meeting agenda resolution to reduce ten percent all salaries of Department Heads, City Manager and Councilmembers.

**ANNOUNCEMENTS/PUBLIC COMMENTS:**

No public comments at this time.

**BUSINESS ITEMS.**

**DISCUSSION REGARDING THE LOCATION FOR PICK UP/DISEMBARKMENT FROM FARM LABOR VEHICLES, CALEXICO MUNICIPAL CODE 10.50.040.**

Calexico Merchant and downtown landowner Francisco Rashid asks City Council to reinstate permits on First Street east of Orthopedic Clinic tourist parking.

Mayor Pro Tem Ouzan provides direction for Business Improvement District, Chief of Police, City Manager and Union representatives to work on other possible proposals for locations of pick up/diseembarkment of farm labor vehicles.

Item will be added on Business Improvement District meeting agenda and resolution will be implemented since various locations have already been identified and approved by City Council.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DECLARING A FISCAL EMERGENCY.**

A motion was made by Mayor Pro Tem Ouzan to approve Resolution of the City Council of the City of Calexico, California declaring a fiscal emergency, second by Councilman Moreno and passed unanimously.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DECLARING A CITY-WIDE SCHEDULE ADJUSTMENT TO THIRTY-FIVE HOURS PER WEEK.**

SEIU/CMEA Jacob Regalado inquires what the total savings of the proposal are and if management takes a pay-cut will there be any offsetting to employees' work hours decrease.

SEIU/CMEA Alberto Velazquez opposition to measure of thirty-five hour work week reduction. Conditions have to be met with the different bargaining units. By incrementing cuts the City is denying citizens of public services.

Police Officer Association (POA), Luis Casillas comments that POA is not to receive blame for City of Calexico financial situation. Mr. Casillas is in opposition to the ten percent and thirty-five hour reduction. Mr. Casillas mentions the City of Calexico has no Fiscal Plan for 2009-2010 and workers are going to be laid-off.

Firefighter Association, Zedrick Secena comments the City of Calexico has no plan to close gap of a multimillion dollars deficit and employees will have to carry the financial burden.

Carlos Rocha comments Calexico residents' need all public service departments and upper management needs to find other measures to cover costs.

Mayor Fuentes explains the City of Calexico has a manageable deficit and what Council will try do is restructure the way business is done.

Mayor Pro Term Ouzan describes the need to make three and five year budget plans and explains the City revenue is low because of decrease in sales tax revenues and property taxes.

Councilman Moreno shares his view to instill lay-offs and to consider charging sales tax to the flea market to avoid the thirty-five hour work week and to think outside the box for innovative ways to generate extra revenue.

Councilman Castro agrees on view to instill lay-offs and have the City contract-out using the services of temporary agencies. Councilman Castro is not in favor of the thirty-five hour work week.

Councilman Romero agrees that layoffs should be the first resource to close deficit gap and also would like to consider furloughs and reduction of work week hours.

Mayor Pro Tem Ouzan comments that if lay-offs are done head of departments will still continue having high salaries, instead the best solution is to cut equally across the board and reduce work

week hours for all departments. If the economic situation becomes better the number of work week hours can be increase steadily.

Silvia Bernal member of the Heffernan Board states a new ambulance was donated to the City of Calexico and does not want ambulance to remain idle due to the cut back on work week hours on public safety employees.

Tony Tirado states the priority for the City is its citizens and having public services available.

Judy Hashem Finance Manager for City of Calexico describes that the outstanding deficit the City has acquired is of 1.2 million dollars. Mrs. Hashem advices the City of Calexico not to go into next year with a negative general fund balance and it is critical to balance the general fund by the end of the fiscal year. Mrs. Hashem states that the City of Calexico cannot use the general funds reserves to close the gap because in case of an emergency the City will have nothing to resort to, also if the City sells property there are no measurable consequences of this action. For a one year period reduction of work week hours to thirty-five hours for non-public safety departments the City will save 750,000 dollars, excluding any over-time. For a one year period reduction of work week hours to thirty-five for Police services the City saves 680,000 dollars, excluding over-time. For a one year period reduction of work week hours to thirty-five for Firefighters the City will save 397,000 dollars, excluding any over-time.

A motion was made by Mayor Pro Tem Ouzan, Resolution of the City of Calexico, California, declaring a city-wide schedule adjustment to thirty-five hours per work for all City employees, excluding public safety departments, motion was second by Mayor Fuentes and passed by the following vote to wit:

<b>AYES:</b>	Fuentes, Ouzan, Castro
<b>NOES:</b>	Romero, Moreno
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

#### **ADJOURNMENT.**

There being no further business the meeting adjourned at 7:58 p.m.

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Louis Fuentes, Mayor

**ATTEST:**

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Lourdes Cordova, City Clerk

**THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY MET IN REGULAR SESSION ON THE 13<sup>TH</sup> DAY OF OCTOBER, 2009 AT 6:30 PM. 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- 5:30 P.M.**

**CALL TO ORDER.**

The Closed Session portion of the agenda was called to order at 5:30 p.m. by Mayor Pro Term John M. Moreno.

**ATTENDANCE.**

Mayor Pro Tem: John M. Moreno  
Councilman: Luis J. Castro  
Councilman: Daniel F. Romero  
Councilman: Louis Fuentes

**ABSENT:**

Mayor: David B. Ouzan

The City Council convened into Closed Session at 5:30 p.m. to discuss the following:

Conference with legal counsel-existing litigation-pursuant to (Subdivision (a) of Section 54956.9) (3 cases)

1. Orozco v. City of Calexico (09-CV-1170-WWMC)
2. Citizens for Honesty and Integrity in Calexico v. City of Calexico (ECU 05244)
3. Citizens for Responsible Equitable Environmental Development v. City of Calexico

City Attorney reported that Council met in closed session and discussed items 1 through 3, direction was given and no reportable action was taken at this time.

**CITY COUNCIL/  
COMMUNITY REDEVELOPMENT AGENCY**

**REGULAR MEETING-6:30 P.M.**

**CALL TO ORDER.**

The regular meeting portion of the agenda was called to order at 6:30 p.m. by Mayor Pro Tem Moreno and those present were led in the Pledge of Allegiance by Councilman Fuentes.

**ATTENDANCE.**

Mayor Pro Tem: John M. Moreno  
Council Member: Luis J. Castro  
Council Member: Daniel F. Romero  
Council Member: Louis Fuentes

**ABSENT:**

Mayor: David B. Ouzan

**APPROVAL OF AGENDA.**

A motion was made by Councilman Romero, second by Councilman Fuentes and passed unanimously to approve the agenda as presented.

**PRESENTATIONS.**

President and CEO of the Imperial Valley Economic Development Corporation (IVEDC) Timothy E. Kelley made a presentation on updates for IVEDC a regional organization that covers the entire county and has contracts with individual cities, counties and utilities organizations. Mr. Kelley reports that the budget for IVEDC has increased over the last 5 years. The current budget is 650,000 dollars, of which 377,000 dollars is for operational costs and the rest is for marketing.

IVEDC's main goal is marketing the Imperial Valley and over 1,000 companies have visited the Imperial Valley within the past year due to IVEDC efforts. IVEDC focuses on: energy, international agribusiness and Mega Region linking San Diego, Imperial Valley and Baja.

Mr. Kelley concludes presentation thanking the City of Calexico for its continual support offered to IVEDC and its committees.

Mayor Pro Tem Moreno thanked Mr. Kelley for the work he has done over the past years and appreciates the work done to promote the Imperial Valley. Mayor Pro Tem Moreno opens the floor for questions.

Councilmember Fuentes commends Mr. Kelley on the Mega Region concept and supports the expansion of project. Councilmember Fuentes inquires on how to use logo and spotlight IVEDC on City of Calexico website to embrace regional story.

Councilmember Romero comments that this is a win-win situation for all parties involved and continues to support IVEDC.

**ANNOUNCEMENTS/PUBLIC COMMENTS.**

Shaun Sundahl states Chief Neujahr was promoted to Chief on December 2007. In September 2008 an incident on Horizon Street was reported, a call of domestic violence was received. The officer lied to the Sergeant in charged saying there was no domestic violence, the wrong person was arrested and a riot ensued. Sergeant Legaspi contacted the victim and the victim told him that she was victim of domestic violence. Mr. Sundahl states there are two other witnesses and the

Police in Calexico failed to take any action and disregarded the victim's Bill of Rights. Mr. Sundahl calls-out Sergeant Legaspi, Chief Neujahr and Lieutenant Serrano claiming they covered up incident and did wrong. Mr. Sundahl states he is a sergeant for Calexico and does not speak in behalf of the Police Department nor the Police Officer Association. Another incident on September 13, 2008 attempted murder, Mr. Sundahl calls Lieutenant Serrano asking for some detectives necessary to investigate the case and Lieutenant Serrano responds that there is no overtime. Mr. Sundahl states that a couple months after the attempted murder incident was reported, overtime was authorized for Wal-Mart.

Mr. Sundahl quotes from the City of Calexico Police website, "beginning next month we will be adding monthly crime statistics, crime alerts and crime comparisons so that the community can be informed and help with policing, signed Chief Jim Neujahr". Mr. Sundahl states that the website is missing 2008 arsons' crime report and attributes it to the fact that when Chief Neujahr took over, arson crimes increased 127 percent. Mr. Sundahl states that from 2007-2008 in the City of Calexico murder rate increased 300 percent, robbery rate went up 44 percent, property crime went up 10 percent, burglary increased 28 percent and theft increased by 49 percent.

Mr. Sundahl compares the Calexico Police Department with the El Centro Police Department. Mr. Sundahl recites some statistics, the El Centro Police Department from 2007-2008 reduced crime by 36 percent and the Calexico Police Department reduced crime only by two percent. In the same year El Centro saw a decline of burglary of 28 percent while Calexico burglary rate increased by 28 percent. Mr. Sundahl comments that one can easily argue that crime throughout the Valley was on the rise, which is true, but not as bad as Calexico he argues.

Jason Young comments on an incident that occurred on August of 2007 at the Waste Water Treatment Control Plant where an ex-City employee discharged and fired a firearm. When City Police units made contact with suspect claimed he was shooting a dove. Mr. Young says the police department did not run a warrant, parole and/or probation check on suspect. Mr. Young states there is a rumor that the ex-City employee had a prior conviction of domestic violence, if true, this would mean a convicted felon was in the possession of a firearm. Mr. Young claims it has been over a year since this incident occurred, statute limitations have been surpassed and nothing can be done to the suspect. Mr. Young comments that the end of the shift report along with a copy of the incidence report is always sent to the Supervisors at the end of the day, Lieutenant Serrano and Chief Neujahr at the time should have noticed the incident and requested a warrant to discharge a firearm.

Mr. Young requests that Chief Neujahr and Lieutenant Serrano be placed on administrative leave. Mr. Young states Chief Neujahr and Lieutenant Serrano are violating every police officer's Bill of Rights including his. Mr. Young states he cannot call himself a police officer because Chief Neujahr has taken his police powers on medical grounds, which is a violation of the law. Mr. Young states he has a lawsuit against the City.

Daniel Marron, Professionalism of New Chief of Police in Calexico, resident of Calexico 935 4th St., employed by the City of Calexico under the Traffic Department. Mr. Marron would like to recognize and publicly commend the new administration and leadership of the Calexico Police

Department who are working hard to serve the community. Mr. Marron states Chief Neujahr has provided the Traffic Department with new technology, materials, training and assessments. Mr. Marron comments that the Police Department has an open door policy and any citizen can request information. Mr. Marron states Lieutenant Gerardo, Chief Neujahr and Sergeants are always at the disposal of the community. Mr. Marron notes that the traffic department, police officers, firemen, border patrol and other government agencies work closely together.

Daniel Fitzgerald invites Councilmembers and public to attend hearings pertinent to Resolution Councilmembers passed in opposition to Assembly Bill 1139, which cut back on the powers of Enterprise Zone. The next hearing will be occurring on Monday, October 19, 2009 from 1:00 p.m. to 5:00 p.m. at the Jacobs Center on 404 Euclid Avenue, San Diego.

Bill Hodge, public comment title Police Department, 402 Clark Avenue, is concerned of the serious allegations to the Police Department. Mr. Hodge states what is important for the citizens of Calexico is to know the truth. Mr. Hodge states no one is above the law, due process and civil liberties are important.

#### **GENERAL COMMENTS BY CITY COUNCIL MEMBERS/RDA BOARD MEMBERS.**

Councilmember Fuentes asks Public Works Director, Nick Finley status update on road and street calendar for five year construction plan implementation. Councilmember also ask Mr. Finley to ask landscaping crew to leave shrubs on Andrade Avenue a bit taller to cover-up graffiti on walls and have a nicer landscaping sight. Additionally, Councilmember asks Mr. Finley for a status update on downtown landscape. Next, Councilmember Fuentes inquires about storm drain connection along La Jolla Palms and Cole Road.

Public Works Director, Nick Finley responds that the third phase of the five year construction plan is coming through as scheduled. Additionally, Mr. Finley comments that the park facility on Sapphire Street is ready to pour concrete footing to install playground. Storm drain has been connected there is no danger of areas getting flooded.

Councilmember Romero asks Chief Neujahr about speed limits in front of Robinson Ford and Cesar Chavez Boulevard, 25 miles per hour, by whose discretion was it established since it is not residential area.

Police Chief Neujahr comments that speed signs have been there forever and that there are a number of factors that go into setting a speed zone. Chief Neujahr mentions that a new way for establishing speed zones just came out and will be checking to see if speed zones are up to date and implementing any changes.

Councilmember Fuentes asks City Attorney Lyon to bring back resolution in support of programs to establish national sex offender list. Councilmember Fuentes gives direction to look into ordinances that establish mechanisms to reduce traffic speeds near parks and school crossings.

Councilmember Castro informs Council that two of his appointed commissioners resigned, BID commissioner and art commissioner, and would like to have these positions open to the public. Councilmember Romero also would like to have advertised Arts Commissioner.

City Attorney Lyon states City Clerk will advertise positions and have it on next agenda for approval of appointment.

Mayor Pro Tem Moreno comments on downtown merchants' noncompliance leaving merchandise on sidewalks specifically on Second Street and Heffernan. Mayor Pro Tem Moreno encourages Business Improvement District to work with Arts Commission and Chamber of Commerce on hosting a farmers market for the promotion of local fresh agriculture products and fine arts.

#### **CONSENT AGENDA.**

Councilman Castro requested Item 5 to be pulled out for discussion.

Motion was made by Councilman Fuentes to approve the rest of the items in the agenda 1, 2, 3, 4, 6, 7 and 8 as follows: Approve Claims Payable for the month of September, 2009; Approve City Council and RDA minutes for September 22<sup>nd</sup>, 2009; Adopt Resolution approving the statement of Investment Policy for Fiscal Year 2009-10 and accept the Investment Reports for December 30, 2008 through September 30, 2009; Adopt Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith; Approve acceptance of a grant from the US Department of Justice Bureau of Justice Assistance in the amount of \$13,456; Approve acceptance of a grant from the US Department of Justice Bulletproof Vest Grant Program in the amount of \$9,029 to be used as a 50% match towards the purchase of new bulletproof vests for our police officers; Approve Out of State travel to San Antonio, Texas on October 19-21, 2009. All expenses to be paid by HIDTA- Domestic Highway Enforcement Program. Motion was second by Councilman Romero and passed unanimously.

City Attorney Lyon noted that item number two on agenda should read Approve City Council and RDA minutes for September 22<sup>nd</sup>, 2009 because that was included in the packet.

#### **ITEM NO. 5- ADOPT RESOLUTION IN SUPPORT OF ASSURING THAT ANNEXATIONS AND DEVELOPMENT ALONG AND ADJACENT TO THE JASPER CORRIDOR WILL BE ENCOURAGED TO MEET CALTRANS STANDARDS FOR FUTURE EXPRESSWAY.**

Mayor Pro Tem Moreno requested City Manager Carrillo backup information on item.

City Manager Carrillo informed Council that resolution refers to the possible realignment of State Route 98 corridor and not taking any adverse actions to prevent the Jasper Road from meeting Caltrans future expressway standards. This is the City's agreement to take-in Highway 98 if Jasper corridor becomes an expressway within 20 year arterial or circulation plan for the County and Caltrans. Any encroachment that would adversely affect the development of this expressway will be a direct cost to the city if it was to take place 20 years from now by the future City Council. Asking Council to adopt this resolution to adopt this language and for project to move forward.

Councilmember Castro inquires on how much would project cost and who would be paying for it. City Manager Carrillo responds cost is going to be covered by the developers coming in to the City.

Councilmember Romero inquires why the resolution was not adopted back in 2007.

City Attorney Lyon responds that the City then was not aware of Local Agency Formation Commission conditions (LAFCO). The City does entitlements for a project and then it gets sent over to LAFCO, this is a requirement that LAFCO came up when they were approving the annexation after the City had done the entitlement process.

Councilman Romero motion for it to pass, second by Councilman Castro and passed unanimously.

**CONSIDER ADOPTING A RESOLUTION REGARDING PAYMENT OF ATTORNEY'S FEES AND COSTS.**

Councilman Fuentes asks City Attorney Lyon to explain the resolution.

City Attorney Lyon explains when City has been sued or when somebody threatening litigation and the City and potential party enter a settlement agreement the Council has now declared it a policy that they will not pay for the attorney's fees of the person who is threatening litigation.

Councilman Fuentes motions for Adopting a Resolution Regarding Payment of Attorney's Fees and Costs, second by Councilman Romero and passed unanimously.

**APPROVE RESOLUTION APPOINTING ALTA VISTA FINANCIAL, INC. AS THE UNDERWRITER, URBAN FUTURES, INC. AS THE FINANCIAL ADVISOR, FULBRIGHT & JAWORSKI L.L.P. AS BOND COUNSEL AND GREENBERG TRAUIG, LLP AS DISCLOSURE COUNSEL IN CONNECTION WITH THE ISSUANCE OF TAX-EXEMPT AND/OR TAXABLE BONDS INVOLVING THE CITY'S WASTEWATER SYSTEMS, AND AUTHORIZING THE TAKING OF CERTAIN ACTIONS IN CONNECTION THEREWITH.**

Councilman Castro asks to convene a special meeting to obtain more information on item.

Director of Utility Services, Luis Estrada comments that resolution is only to pre-approve financial team to start working on the numbers to sell bonds and then bring it back for Council to approve figures.

Mr. Bill Hodge asks for further clarification and if there is going to be an increase on water rates.

City Attorney Lyon explains that at this point there is no increase of water and sewage rates, if the rates were to increase there would be a public notice sent out through the water bill and the public would have the opportunity to come discuss increase with the council. What is being proposed is for the Council to approve capital expenditure from the wastewater funds through the bond.

Ulises Cardenas, 904 Paulin Avenue, Calexico citizen asks if it is a Certificate of Participation Bond to be put in a ballot and what is the amount of the bond.

Mr. Estrada responds that this is not a Certificate of Participation Bond and the total amount is between \$22 to \$27 million dollars.

A motion was made by Councilman Fuentes to Approve Resolution Appointing Alta Vista Financial, Inc. as the underwriter, Urban Futures, Inc. as the Financial Advisor, Fulbright & Jawaorski L.L.P. as Bond Counsel and Greenberg Traurig, LLP as Disclosure Counsel in Connection with the Issuance of Tax-Exempt and/or Taxable Bonds Involving the City's Wastewater System, and Authorizing the Taking of Certain Actions in Connection Therewith, second by Councilman Castro and passed unanimously.

**CONSIDER ADOPTING AN ORDINANCE, BY TITLE ONLY WAIVE FULL READING, ADDING CHAPTER 13.40 "DEVELOPER CONSTRUCTED PUBLIC IMPROVEMENTS" TO TITLE 13 "PUBLIC SERVICES" TO THE CALEXICO MUNICIPAL CODE RELATED TO PUBLIC IMPROVEMENT AND REIMBURSEMENT AGREEMENTS AND AN INTERIM RESOLUTION REGARDING THE SAME.**

Councilman Fuentes inquires about a possible resolution to have housing developers fully complete landscaping prior to issuing certificate of occupancy. City Attorney agrees to look into a resolution for next council meeting.

A motion was made by Councilman Fuentes to Adopt an Ordinance, By Title Only Waive Full Reading, Adding Chapter 13.40 "Developer Constructed Public Improvements" to title 13 "Public Services" to the Calexico Municipal Code Related to Public Improvements and Reimbursement Agreements, second by Councilman Romero and passed unanimously

A motion was made by Councilman Romero to Adopt a Resolution Regarding Reimbursement Agreements, second by Councilman Castro and passed unanimously.

**ADOPT FINAL BUDGET, CAPITAL IMPROVEMENT PLAN, AND POSITION ALLOCATION LIST FOR FISCAL YEAR 2009-10.**

A motion was made by Councilman Fuentes to Adopt Resolution Approving the Final Budget for Fiscal Year 2009-10, second by Castro and passed unanimously.

A motion was made by Councilman Fuentes to Adopt Resolution Approving the Capital Outlay Plan for Fiscal Year 2009-10, second by Councilman Castro and passed unanimously.

A motion was made by Councilman Fuentes to Adopt Resolution Approving the Position Allocating List for Fiscal Year 2009-10, second by Councilman Romero and passed unanimously.

**PUBLIC HEARING.**

**AMENDING THE MASTER FEE SCHEDULE**

*Public Hearing opened at 7:58 p.m.*

No persons spoke in favor.

**The following person spoke in opposition to Item 13:**

James Brownyard with the Building Industry Association spoke against amending the master fee schedule. Mr. Brownyard went through several of the chapters in the study and found multiple mathematical and theoretical errors. Unless the departments have changed and gone through and fixed the errors noted this is an inappropriate supporting document. The Building Industry Association understands the need to increase fees and collect the full burden fee, but it is not supported with the documentation provided.

*Public Hearing closed at 8:03 p.m.*

A motion was made by Councilman Romero to Adopt Resolution to Amend the Master Fee Schedule, second by Councilman Fuentes and passed unanimously.

**INFORMATION ITEMS.**

**ACKNOWLEDGE RECEIPT OF RECREATION COMMISSION MINUTES FOR JUNE 17<sup>TH</sup>, 2009.**

Councilmembers acknowledged receipt of recreation commission minutes for June 17<sup>th</sup>, 2009.

**FUTURE AGENDA ITEMS BY CITY COUNCIL MEMBERS.**

No future agenda items requested.

**REDEVELOPMENT AGENCY BOARD**

**CONSENT.**

*Councilmember Fuentes requested to pull item 16.*

*Councilmember Romero requested to pull item 17.*

A motion was made by Councilman Romero, second by Councilman Fuentes and passed unanimously to approve Consent Agenda consisting of Item number 18 Adopt Final Budget for Fiscal Year 2009-10.

**ITEM NO. 16 AWARD BID FOR THE REPLACEMENT OF ONE (1) AIR CONDITIONING UNIT (15 TON UNIT) FOR THE ENRIQUE (KIKI) CAMARENA LIBRARY.**

A motion was made by Councilman Romero to Award Bid for the Replacement of One (1) Air Conditioning Unit (15 Ton Unit) for the Enrique (KiKi) Camarena Library, second by Councilman Fuentes and passed unanimously.

**ITEM NO. 17 APPROVE STAFF TRAVEL TO ATTEND THE AEROSPACE INDUSTRY CONFERENCE IN SEATTLE, WASHINGTON ON OCTOBER 29, 2009.**

A motion was made by Councilman Romero to Approve Staff Travel to Attend the Aerospace Industry Conference in Seattle, Washington on October 29, 2009, second by Councilman Fuentes and passed unanimously.

**PUBLIC HEARING.**

*Open Public Hearing at 8:17 p.m.*

**HOLD PUBLIC HEARING AND APPROVE LEASE WITH DOLE FRESH FOR AGENCY PROPERTY LOCATED AT 221 SECOND STREET, CALEXICO.**

The following person spoke in favor:

Police Chief Neujahr, speaks in favor of Dole Fresh, company has had lease for a couple of years and they use space to provide a place for farmworkers to park their cars and gets them out of the downtown area.

No persons spoke against.

A motion was made by Councilman Fuentes to Approve Lease with Dole Fresh for Agency Property Located at 221 Second Street, second by Councilman Romero and passed unanimously.

*Close Public Hearing at 8:19 p.m.*

**ACKNOWLEDGE RECEIPT OF MINUTES FOR THE BUSINESS IMPROVEMENT DISTRICT COMMITTEE MEETING OF SEPTEMBER 9, 2009 AND SEPTEMBER 23, 2009.**

Councilmembers acknowledge Receipt of Minutes for the Business Improvement District Committee Meeting of September 9, 2009 and September 23, 2009.

**ADJOURNMENT.**

There being no further business the meeting adjourned at 8:29 p.m.

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John Moreno, Mayor Pro Tem

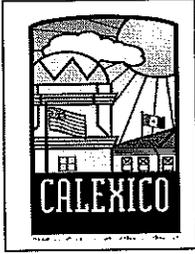
**ATTEST:**

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Erica LaCuesta, Deputy City Clerk

**AGENDA  
ITEM**

**10**



# AGENDA STAFF REPORT

**DATE:** September 1, 2015

**TO:** Mayor and City Council

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

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

**SUBJECT:** Warrants from August 05, 2015 to August 19, 2015

=====

**Recommendation:**

Approve the Affidavit of Warrants from August 05, 2015 to August 19, 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 \$1,037,873.96.

**Coordinated With:**

All Departments

**Attachment:**

Finance Director Affidavit of Warrants for August 05, 2015 to August 19, 2015.

**AGENDA  
ITEM**

—



# 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 August 05, 2015 to August 19, 2015 in the amount of \$ 1,037,873.96 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:

8/29/15

BY:

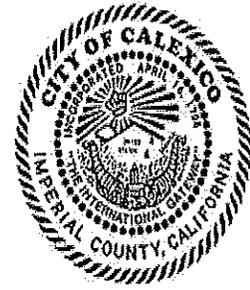


John T. Quinn, Finance Director

# Bank Reconciliation

## Checks by Date

User: mgutierrez  
 Printed: 08/27/2015 - 11:09AM  
 Cleared and Not Cleared Checks



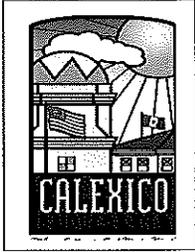
Check No	Check Date	Name	Comment	Module	Clear Date	Amount
0	8/6/2015	IMPERIAL IRRIGATION DISTRICT		AP		36.01
0	8/6/2015	COMPLETE PAPERLESS SOLUTION		AP		3,530.00
0	8/6/2015	UNIFIRST CORPORATION		AP		833.40
0	8/6/2015	US BANK		AP		1,730.00
0	8/6/2015	NORMAN A TRAUB ASSOCIATES		AP		4,070.73
0	8/6/2015	PINNACLE INSURANCE ADMN		AP		49,958.22
0	8/6/2015	MSC INDUSTRIAL SUPPLY CO		AP		4,055.29
0	8/6/2015	TURBO DATA SYSTEMS, INC		AP		2,525.72
0	8/6/2015	JANWAY COMPANY USA, INC.		AP		197.94
0	8/6/2015	WITTMAN ENTERPRISES, LLC		AP		11,397.33
0	8/6/2015	KRONOS, INC		AP		737.10
0	8/6/2015	AE CONSULTING, INC		AP		42,920.00
0	8/6/2015	ACCELA, INC. #774375		AP		4,115.34
0	8/6/2015	TOMARK SPORTS		AP		23,239.15
0	8/6/2015	SPECTRUM		AP		650.00
0	8/6/2015	RDO EQUIPMENT CO		AP		19,306.14
0	8/6/2015	HOLMAN PROFESSIONAL		AP		691.36
0	8/6/2015	LIEBERT CASSIDY WHITMORE		AP		16,093.05
0	8/6/2015	ERM-WEST, INC		AP		59,772.89
0	8/6/2015	ESGIL CORPORATION		AP		4,358.09
0	8/6/2015	HUNTER EMPLOYMENT SERVICES		AP		23,482.61
0	8/6/2015	ACADEMI AWARDS & TROPHIES		AP		254.12
0	8/6/2015	McDOUGAL LOVE ECKIS BOEHME		AP		415.92
0	8/6/2015	SERRA COOPERATIVE LIBRARY SY		AP		1,913.00
1834	8/6/2015	SAUL AGUILAR		AP		695.00
1835	8/6/2015	AT& T		AP		1,048.70
1836	8/6/2015	AT&T		AP		118.49
1837	8/6/2015	LARRY BARNES		AP		861.84
1838	8/6/2015	BUENAS IDEAS		AP		2,707.08
1839	8/6/2015	CALEXICO TOWING SERVICE		AP		112.50
1840	8/6/2015	CALIBER SCREENPRINTING		AP		237.60
1841	8/6/2015	CALIFORNIA ENVIRONMENTAL CX		AP		47,985.78
1842	8/6/2015	CHEVRON USA		AP		1,315.25
1843	8/6/2015	CMRTA		AP		275.00
1844	8/6/2015	DESERT SUN GIRLS SOFTBALL		AP		346.39
1845	8/6/2015	ECIVIS, INC (LOCKBOX)		AP		2,400.00
1846	8/6/2015	FORENSIC DRUG TESTING SERVIC		AP		49.95
1847	8/6/2015	TERESA GOMEZ		AP		283.51
1848	8/6/2015	IMP CO PUBLIC HEALTH DEPT		AP		808.00
1849	8/6/2015	IMPERIAL VALLEY PAINT CENTER		AP		5,160.38
1850	8/6/2015	INTRAN SERVICES		AP		281.25
1851	8/6/2015	CARMEN A. LOPEZ		AP		300.00
1852	8/6/2015	NEW READERS PRESS PUB DIV OF		AP		1,353.84
1853	8/6/2015	PEARSON EDUCATION		AP		2,888.58
1854	8/6/2015	PITNEY BOWES GLOBAL FINANCL		AP		1,158.34
1855	8/6/2015	PRO LITERACY MEMBERSHIP		AP		99.00

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
1856	8/6/2015	CITY OF CALEXICO RECREATION I		AP		2,250.00
1857	8/6/2015	ROBINSON FORD SALES, INC		AP		105.65
1858	8/6/2015	ROGERS & ROGERS TOYOTA		AP		770.25
1859	8/6/2015	ROGERS & ROGERS-DODGE		AP		706.18
1860	8/6/2015	SPARKLETTS		AP		164.70
1861	8/6/2015	STONE BUSAILAH,LLP		AP		1,820.00
1862	8/6/2015	THE CHERRY HILL COMPANY		AP		900.00
1863	8/6/2015	TUTOR COM, INC		AP		3,675.00
1864	8/6/2015	TWIN CITY FLORIST		AP		260.40
1865	8/6/2015	UNICOM GOVERMENT INC		AP		182,271.34
1866	8/6/2015	UNISAFE INC.		AP		77.85
1867	8/6/2015	URBAN FUTURES, INC		AP		9,145.72
1868	8/6/2015	LUIS VEGA		AP		78.74
1869	8/6/2015	VERIZON WIRELESS		AP		7,227.52
1870	8/6/2015	VISTEC CONSULTING, INC		AP		450.00
1871	8/6/2015	WAL-MART COMMUNITY		AP		1,592.60
1872	8/11/2015	STAPLES		AP		3,585.43
0	8/13/2015	IMPERIAL PRINTERS		AP		741.07
0	8/13/2015	CHEMTRADE CHEMICALS US.LL		AP		3,048.41
0	8/13/2015	RUTAN & TUCKER LLP		AP		3,638.00
0	8/13/2015	US BANK		AP		2,000.00
0	8/13/2015	K-C WELDING & RENTALS, INC		AP		2,692.13
0	8/13/2015	COMPUTER FORENSICS INTERNAT		AP		29,616.72
0	8/13/2015	HOLMAN PROFESSIONAL		AP		686.72
0	8/13/2015	I V WELDING & MECHANICAL		AP		24,623.00
0	8/13/2015	BOUND TREE MEDICAL, LLC		AP		6,296.95
0	8/13/2015	AVAYA, INC		AP		272.10
0	8/13/2015	HUNTER EMPLOYMENT SERVICES		AP		26,423.42
0	8/13/2015	THE HOLT GROUP, INC		AP		2,132.25
0	8/13/2015	HD SUPPLY WATERWORKS		AP		244.20
0	8/13/2015	WAXIE SANITARY SUPPLY		AP		1,229.03
0	8/13/2015	STRADLING, YOCCA, CARLSON &		AP		3,723.00
0	8/13/2015	IMPERIAL IRRIGATION DISTRICT		AP		21,139.44
0	8/13/2015	BANK UP CORPORATION		AP		1,206.01
0	8/13/2015	INGRAM LIBRARY SERVICES		AP		1,856.04
0	8/13/2015	ACADEMI AWARDS & TROPHIES		AP		43.20
1873	8/13/2015	AIRNAV.COM		AP		52.00
1874	8/13/2015	AT&T		AP		1,024.07
1875	8/13/2015	CALIFORNIA ENVIRONMENTAL CC		AP		48,929.30
1876	8/13/2015	DESERT VETERINARY GROUP		AP		198.00
1877	8/13/2015	EL CENTRO MOTORS		AP		437.50
1878	8/13/2015	GRAPHIC CONTROLS LLC		AP		682.26
1879	8/13/2015	GREATAMERICA FINANCIAL SV		AP		238.54
1880	8/13/2015	I V RESOURCE MANAGEMENT AGI		AP		44,292.22
1881	8/13/2015	IMPERIAL LANDFILL		AP		55.04
1882	8/13/2015	JETER SYSTEMS		AP		201.22
1883	8/13/2015	KOA CORPORATION		AP		6,326.50
1884	8/13/2015	MALLORY SAFETY AND SUPPLY		AP		195,982.13
1885	8/13/2015	PROTECTION ONE ALARM		AP		56.50
1886	8/13/2015	SHRED-IT		AP		98.12
1887	8/13/2015	SIGN FACTORY		AP		470.84
1888	8/13/2015	SPARKLETTS		AP		272.84
1889	8/13/2015	THE GAS COMPANY		AP		175.98
1890	8/13/2015	TWIN CITY SEED & FEED CO		AP		763.71
1891	8/13/2015	AT&T		AP		5,425.35
1892	8/13/2015	DEPARTMENT OF JUSTICE		AP		2,321.00

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
1893	8/13/2015	SELLERS PETROLEUM		AP		19,945.22
1894	8/13/2015	STERLING WATER TECH		AP		7,875.24
1895	8/13/2015	SUSAN G. MAYER		AP		3,597.42
1896	8/13/2015	THE 2009 EARLY FAMILY TRUST		AP		4,500.00
1897	8/17/2015	ESPARZA ADVERTISING		AP		490.00
Total Check Count:						107
Total Check Amount:						1,037,873.96

**AGENDA  
ITEM**

**11**



# AGENDA STAFF REPORT

**DATE:** September 1, 2015

**TO:** Mayor and City Council

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

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

**SUBJECT:** Authorize Public Works Director/City Engineer to Sign Change Order No. 2 with Granite Construction in the Amount of \$78,555.70 for the Calexico International Airport Runway Pavement Rehabilitation AIP No. 3-06-0034-016-2014.

=====

**Recommendation:**

Authorize Public Works Director/City Engineer to Sign Change Order No. 2 with Granite Construction in the Amount of \$78,555.70 for the Calexico International Airport Runway Pavement Rehabilitation AIP No. 3-06-0034-016-2014.

**Background:**

The Calexico International Airport was awarded a \$3,708,081 (\$3,337,273 90% FAA, \$185,404 5% State and \$185,404 5% City Match) grant from the Federal Aviation Administration (FAA) for the Construction Phase of the Runway Pavement Rehabilitation Project. The Runway Pavement Rehabilitation project consists of reconstructing the pavement of the runway with a completely new asphalt concrete pavement section, and other incidental improvements such as shoulder and infield grading, installation of drainage improvements, and adjustment to grade of existing airfield lights and signs and other miscellaneous items at the Calexico International Airport.

**Discussion & Analysis:**

Due to additional work that was not anticipated the Public Works Department is requesting City Council approve the following change order:

1. Machine existing sign base to adapt to extension ring.
2. Add frangible couplings to existing runway sign.
3. Type III beads for final runway and taxiway painting.
4. Additional potholing.
5. Detectable tape.

<p><b>AGENDA ITEM</b></p> <hr/>
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6. Import and place subbase.
7. Adjustment in contract time.

With Change Order No. 2 the new contract amount will be \$3,445,414.88

**Fiscal Impact:**

Federal Aviation Administration	\$70,700.13
California Department of Aeronautics	\$3,927.78
City	<u>\$3,927.79</u>
Total	\$78,555.70

**Coordinated With:**

Federal Aviation Administration, AE Consulting, Inc. and Granite Construction

**Attachment:**

1. Change Order No. 2

Date: June 17, 2015

**City of Calexico  
Change Order  
No. 02**

**Name of Project: Calexico International Airport Runway Pavement Rehabilitation  
AIP No. 3-06-0034-016-2014**

**Name of Contractor: Granite Construction Company**

#	Description	Price Increase	Price (Decrease)	Time Extension
1	Machine Existing Sign Base to Adapt to Extension Ring	\$538.75		0 days
2	Add Frangible Couplings to Existing Runway Sign	\$158.18		0 days
3	Type III Beads for Final Runway and Taxiway Painting	\$6,769.95		0 days
4	Additional Potholing	\$678.55		0 days
5	Detectable Tape		(\$118.65)	0 days
6	Import and Place Subbase	\$70,528.92		0 days
7	Adjustment in Contract Time			20 days
	Sub-Total	\$78,555.70		
	Contract Amount		\$3,366,859.18	200 Days
	Revised Contract Amount		\$3,445,414.88	220 Days

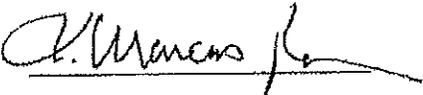
**Sponsor**

**Construction Manager**

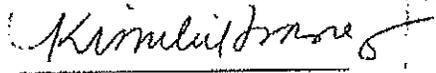
**Contractor**

Nick Servin, P.E.  
Public Works Director  
City of Calexico  
608 Heber Avenue  
Calexico, CA 92231  
(760) 768-2180

  
Peter Bonello, P.E.  
Principal Engineer  
AE Consulting, Inc.  
143 Yorba St  
Tustin, CA 92780  
(714) 573-1211

  
R. Marcus Pipkin  
Project Manager  
Granite Construction Company.  
2095 Hwy 111  
El Centro, CA 92243  
(760) 337-3048

**Federal Aviation Administration**



Kimchi Hoang  
Program Manager  
Los Angeles District Office  
(310) 725-3617

Approved subject to the availability of Federal funds  
at the discretion of the Grant Agreement.  
7/15/15 N/A  
10-10-10

**DESCRIPTION OF EACH ITEM INCLUDED IN THIS CHANGE ORDER NO. 02**

**1. Machine Existing Sign Base to adapt to extension ring.**

The contract required that the Contractor install extension rings to the bases of signs and lights to raise the foundations of these items to the new grade. An existing sign base was not compatible with the standard extension rings and the Contractor was directed to modify the existing cover to adapt to the extension rings.

**2. Add frangible couplings to existing sign supports.**

All airfield signs should be mounted on frangible supports (legs). Two of the older runway distance remaining signs had one each of their supports that were not frangible. The Contractor was directed to install frangible couplings on these signs to make them compliant with FAA requirements.

**3. Type III Beads for Final Runway and Taxiway Pavement Markings.**

The FAA issued a revision to their advisory circular that addresses the specifications for paint and glass beads after the construction package was completed and advertised for bidding. This affected the application rates for paint and glass beads depending on the type of paints and beads specified. The Contractor was directed to change the beads from Type IV to Type III and adjust the application rates for both paint and beads accordingly to conform with the revised advisory circular. While the cost of the Type III beads is significantly more expensive than the Type IV beads, the amount of paint required is less.

**4. Additional potholing.**

A duct bank crossing under Taxiway E was not found at the location shown on the Plans. This location was based on record drawings of a previous project that installed the duct bank in question. The Contractor performed additional potholing to locate the duct bank and to confirm that there was not an additional duct bank that may have caused the record drawings to indicate the location shown.

**5. Detectable Tape.**

The Contractor elected to use a narrower detectable tape than that specified. The tape was deemed acceptable

but a credit was calculated based on the cost of the narrower tape being less than that specified.

#### **6. Additional Subbase.**

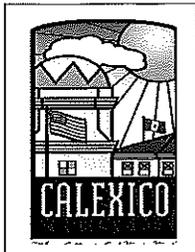
The Plans called for the recycling of the pulverized asphalt concrete pavement and underlying base material to be used as subbase for the new pavement section as well as for use as backfill over the area of the Runway that was required to be over-excavated. The amount of recycled material was estimated from measurements taken of 24 cores performed through the pavement during design. The actual volume of material that was actually recycled for re-use after pulverizing, stockpiling and screening turned out to be less than the amount required by the Plans. The Contractor was directed to import additional suitable material to make up the shortfall.

#### **7. Additional Contract Time.**

The final striping need not be performed within the contract time of 200 calendar days. All contract work was deemed substantially complete on Tuesday June 9 and the runway opened the next day, the 178<sup>th</sup> calendar day of the Contract. Final striping is desired no sooner than 30 days after this date. This work is expected to occur in a single day but a few extra days is added to allow flexibility to all concerned in scheduling the work and to avoid weekends since this work will require runway closure. The Contract time will therefore be extended by 20 days for a total contract duration of 220 calendar days making the last day to complete this work July 17, 2015.

**AGENDA  
ITEM**

**12**



# AGENDA STAFF REPORT

**DATE:** September 1, 2015

**TO:** Mayor and City Council

**APPROVED BY:** Richard N. Warne, 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 Calexico International Airport Runway Pavement Rehabilitation AIP No. 3-06-0034-016-2014.

=====

**Recommendation:**

Authorize Public Works Director/City Engineer to File Notice of Completion for the Calexico International Airport Runway Pavement Rehabilitation AIP No. 3-06-0034-016-2014.

**Background:**

The Calexico International Airport was awarded a \$3,708,081 (\$3,337,273 90% FAA, \$185,404 5% State and \$185,404 5% City Match) grant from the Federal Aviation Administration (FAA) for the Construction Phase of the Runway Pavement Rehabilitation Project. The Runway Pavement Rehabilitation project consisted of reconstructing the pavement of the runway with a completely new asphalt concrete pavement section, and other incidental improvements such as shoulder and infield grading, installation of drainage improvements, and adjustment to grade of existing airfield lights and signs and other miscellaneous items at the Calexico International Airport.

**Discussion & Analysis:**

On October 7, 2014, the City Council of the City of Calexico awarded the Calexico International Airport Runway Pavement Rehabilitation AIP No. 3-06-0034-016-2014 to Granite Construction in the amount of \$3,363,456.45. Due to additional work that was not anticipated the contract amount increased by \$81,958.43 with a total cost of \$3,445,414.88. Notice to Proceed for this project was issued on Dec. 10, 2014. Construction began on March 30, 2015 and was completed on July 10, 2015.

**AGENDA  
ITEM**

**Fiscal Impact:**

Federal Aviation Administration	\$3,100,873.39
California Department of Aeronautics	\$172,270.74
City	<u>\$172,270.75</u>
Total	\$3,445,414.88

**Coordinated With:**

Federal Aviation Administration, AE Consulting, Inc. and Granite Construction

**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.

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is City of Calexico
3. The full address of the owner is 608 Heber Avenue, Calexico, California 92231
4. The nature of the interest or estate of the owner is:  
In fee
5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are  
NAMES ADDRESSES  
None
6. The full names and full addresses of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work or improvements herein referred to  
NAMES ADDRESSES  
None
7. A work of improvement on the property hereinafter described was completed on 07/10/15. The work done was reconstructing the pavement of the runway with a completely new asphalt concrete pavement section, and other incidental improvements such as shoulder and infield grading, installation of drainage improvements, and adjustment to grade of existing airfield lights and signs and other miscellaneous items at the Calexico International Airport.
8. The name of the contractor, if any, for such work of improvement was Granite Construction  
2095 Highway 111, El Centro, CA 92243 10/09/14  
(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:  
Calexico International Airport Runway Pavement Rehabilitation AIP No. 3-06-0034-016-2014
10. The street address of said property is 801 W. Second Street, Calexico, CA 92231

Dated 09/01/15

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

### VERIFICATION

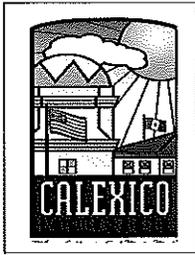
I, the undersigned, say: I am the Public Works Director/City Engineer, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true to my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2015, at Calexico, California

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

AGENDA  
ITEM

**13**



# AGENDA STAFF REPORT

**DATE:** September 1, 2015

**TO:** Mayor and City Council

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

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

**SUBJECT:** Authorize City Manager to Sign Amendment No. 2 Agreement between the City of Calexico and Bender Rosenthal, Inc. for Right-of-Way Services for Cesar Chavez Blvd. Improvement Project.

=====

## Recommendation:

Authorize City Manager to Sign Amendment No. 2 Agreement between the City of Calexico and Bender Rosenthal, Inc. for Right-of-Way Services for Cesar Chavez Blvd. Improvement Project.

## Background:

On October 21, 2014, the City Council of the City of Calexico awarded the right-of-way services for Cesar Chavez Blvd. Improvement Project to Bender Rosenthal, Inc. in the amount of \$244,090. Additional work has been required that was not anticipated and the City Council of the City of Calexico gave authorization to the City Manager to sign Amendment No. 1 in the amount of \$23,925 bring the total contract amount to \$268,015

## Discussion & Analysis:

On a monthly basis Engineering Division staff, Bender Rosenthal, Inc., KOA (design phase) and Department of Transportation meet to discuss the progress of Cesar Chavez Blvd. Improvement Project. During these meetings additional work is discussed during the right-of-way phase of the Cesar Chavez Blvd. Improvement Project. Please note that this project is on a time sensitive timeline and it's very crucial that the City proceed on approving the additional work in Bender Rosenthal, Inc. Amendment No. 2. If approved the new total contract amount will be \$340,835.

In summary the scope includes the following tasks:

1. Right-of-way management & certification
2. Acquisition services



3. Relocation assistance program

**Fiscal Impact:**

Measure "D" Funds \$72,820

**Coordinated With:**

Engineering Division staff, Bender Rosenthal, Inc., KOA (design phase) and Department of Transportation

**Attachment:**

1. Amendment No. 2 Agreement Proposal
2. Bender Rosenthal, Inc. Agreement and Amendment No. 1

**AMENDMENT NUMBER NO. 2 TO THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF CALEXICO AND BENDER ROSENTHAL, INC.**

AMENDMENT NUMBER NO. 2 dated September 1, 2015, the agreement for professional services between the City of Calexico ("City") and Bender Rosenthal, Inc. ("Consultant") dated June 20, 2014 (the "Agreement") concerning Cesar Chavez Blvd. Improvement (the "Project").

The Consultant has entered into the Agreement with the City for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by Consultant and provisions for additional compensation by the City to the Consultant, all set forth in:

Exhibit A – Scope and Fee Amendment dated August 7, 2015

The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

CITY OF CALEXICO:

CONSULTANT:

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: Richard N. Warne, City Manager

Title: \_\_\_\_\_

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

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

By: \_\_\_\_\_

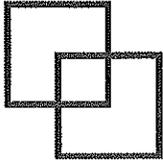
Title: Mark Austin, Interim City Attorney

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

By: \_\_\_\_\_

Title: Gabriela Garcia, Deputy City Clerk

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



**BENDER  
ROSENTHAL, INC.**

COMMERCIAL VALUATION AND RIGHT OF WAY SERVICES

4400 Auburn Boulevard, Suite 102  
Sacramento, CA 95841  
main: 916.978.4900 • fax: 916.978.4904  
www.benderrosenthal.com

August 7, 2015

Nick Servin, P.E.,  
Public Works Director/City Engineer  
City of Calexico, Public Works and Engineering Department  
608 Heber Avenue  
Calexico, CA 92231

Subject: Cesar Chavez Right of Way Services – Scope and Fee Amendment

Dear Mr. Servin:

Enclosed is the amended scope and cost proposal for Right of Way Services for the Cesar Chavez Road Improvement Project.

Based on our review of the work completed to date, the remaining work to be done, and the remaining budget, we have developed the attached scope which includes the following services:

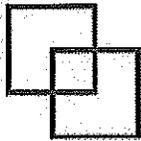
- ROW Management & Certification
- Appraisal
- Acquisition
- Relocation
- Escrow Support

With reference to the original contract scope, the right of way planning, appraisal, and appraisal review services have been completed.

Please contact me if you have any questions regarding this scope / fee amendment proposal. I can be reached at (916) 919-7262.

Respectfully,

Steve Parent, MAI, SRA, AI-GRS, SR/WA, PMP  
Director



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## **RIGHT OF WAY SCOPE OF SERVICES**

Acquisition & Relocation services will be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC 4601 *et seq.*) and implementing regulation, 49 CFR Part 24; California Government Code Section 7267 *et seq.*; California Code of Civil Procedure Sections 1263.010 to 1263.620 and 1255.010 to 1255.060; Housing and Community Development Title 25; State of California, Department of Transportation, Right of Way Manual, as applicable. A general discussion of the scope is as follows:

### **TASK 1 –ROW MANAGEMENT & CERTIFICATION**

The additional budget requested for this task is due to schedule extension and an expansion of other scope of services e.g. condemnation support and possession and use agreements as noted within the deliverables below. The additional budget proposed will extend BRI's management services activities through the end of 2015. Based on the original contract schedule, management activities were anticipated to end June 1, 2015.

This task includes monthly ROW Status meetings, monthly schedule and progress updates, and coordination efforts with the PDT and ROW teams throughout the life of the project.

#### **Deliverables:**

- Running weekly BRI staff meetings through the acquisition and condemnation support phases of the project.
- Providing Monthly progress updates to CITY staff.
- Attendance at one City Council meeting
- Developing ROW Certification.
- Managing resources necessary to provide condemnation support services
- Managing resources necessary to possession and use agreement negotiation services
- Managing resources necessary to provide additional relocation services

### **TASK 2 - APPRAISAL SERVICES**

No Change. This task is complete.

### **TASK 3 - ACQUISITION SERVICES**

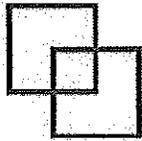
To help clarify the scope of this task, it has been broken into three separate sub-tasks:

Task 3.1 – Acquisition

Task 3.2 – Possession and Use Agreement Negotiations

Task 3.3 – Post Resolution of Necessity Acquisition Services

#### **TASK 3.1 ACQUISITION**



BRI has met all of its original acquisition scope requirements with the exception of delivery of impasse memo (for 3 properties) and final report. Additional acquisition related tasks include negotiation of possession and use agreements and post-resolution of necessary activities as detailed below.

### **TASK 3.2 - POSSESSION AND USE AGREEMENT (PAU) NEGOTIATIONS**

BRI's current acquisition scope does not include this service. The Possession and Use Agreement is used when a property owner agrees to the early possession of their property while continuing to negotiate for their final compensation. This is routinely used prior to eminent domain / condemnation activities, and can be a very effective acquisition tool used to protect the schedule. This agreement, when successfully negotiated, will allow the CITY to obtain possession of the property as soon as funds are deposited into escrow. This provides for possession and use of the required private property sooner than the legal process of filing a motion for and obtaining a court-ordered possession.

**Deliverables:**

- Obtain signed agreements or negotiate up to 8 hours for up to 14 properties.

### **TASK 3.3 - POST-RESOLUTION OF NECESSITY (RON) ACQUISITION SERVICES**

BRI's current acquisition scope does not include this service. The current scope indicates BRI's acquisition activities to cease after agreement or after impasse / pursuit of Resolution of Necessity (RON). City's legal would then handle the RON process under the current scope.

The new scope of work would allow BRI's condemnation support activities to continue up until such time as a motion for order of possession is filed. These acquisition services would include administrative settlements.

### **TASK 4 - ESCROW SUPPORT**

This is not a new task. There is no change to the existing scope. Remaining scope will be accomplished by remaining budget.

**Deliverable:**

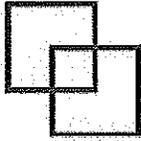
- Facilitate Title and Escrow support for up to 14 larger parcels

### **TASK 5 - RELOCATION ASSISTANCE PROGRAM (RAP)**

The scope of this task is outlined in the original contract.

BRI's current contract relocation scope includes:

- 2 residential relocations
- 2 business relocations



- 0 personal property relocations

The required number of relocations is:

- 0 residential relocations
- 4 business relocations
- 2 personal property relocations

**Deliverable:**

- Provide relocation assistance as outlined above for up to 4 business and 2 personal property relocations

**Assumption:**

- Claim for Relocation benefits will occur within contract period.

**FEES**

A summary of our fee based on the scope described above is as follows.

	Total
Task 1 - ROW Management / Certification	\$15,000
Task 3 - Acquisition Services	\$39,200
Task 5 - Relocation	\$12,000
Sub Total	\$66,200
Management Reserve	\$6,620
Total	\$72,820

BRI currently has approximately \$20,000 remaining in our budget for work under our original contract. This will be consumed by acquisition, relocation, and escrow support activities. The additional fees requested above will provide the afore-mentioned additional services not covered by the original scope of services. The management reserve proposed will not be used unless authorized by City Staff.

**AMENDMENT NUMBER 1 TO THE AGREEMENT FOR PROFESSIONAL SERVICES  
BETWEEN THE CITY OF CALEXICO AND BENDER ROSENTHAL, INC.**

AMENDMENT NUMBER 1 dated March 03, 2015, the agreement for professional services between the City of Calexico ("City") and Bender Rosenthal, Inc. ("Consultant") dated February 11, 2015 (the "Agreement") concerning Cesar Chavez Right of Way Services

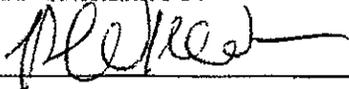
The Consultant has entered into the Agreement with the City for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by Consultant and provisions for additional compensation by the City to the Consultant, all set forth in:

Exhibit 1 - Proposal dated February 11, 2015

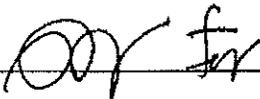
The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

CITY OF CALEXICO:

By: 

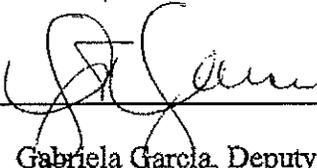
Title: Richard N. Warne, Interim City Manager

Date: 5-14-2015

By: 

Title: Jennifer Lyon, City Attorney

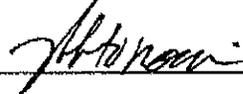
Date: 5/5/15

By: 

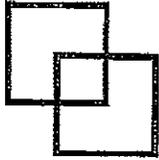
Title: Gabriela Garcia, Deputy City Clerk

Date: 5/14/2015

CONSULTANT:

By: 

Date: 4/17/15



**BENDER  
ROSENTHAL, INC.**

COMMERCIAL VALUATION AND RIGHT OF WAY SERVICES

4400 Auburn Boulevard, Suite 102  
Sacramento, CA 95841  
main: 916.978.4900 • fax: 916.978.4904  
www.benderrosenthal.com

February 11, 2015

Nick Servin, P.E.,  
Public Works Director/City Engineer  
City of Calexico, Public Works and Engineering Department  
608 Heber Avenue  
Calexico, CA 92231

Subject: Cesar Chavez Right of Way Services – Scope and Fee Amendment

Dear Mr. Servin:

As discussed, enclosed is the amended scope and cost proposal for Right of Way Services for the Cesar Chavez Road Improvement Project.

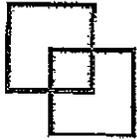
Based on our review of the information provided by the City and City consultant KOA, we have developed the attached scope which includes:

- ROW Planning
- ROW Management & Certification
- Appraisal
- Appraisal Review
- Acquisition
- Relocation
- Escrow Support

Please contact me if you have any questions regarding this scope / fee amendment. I can be reached at (916) 919-7262.

Respectfully,

Steve Parent, MAI, SRA, AI-GRS, SR/WA, PMP  
Director



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## RIGHT OF WAY SCOPE OF SERVICES

Acquisition & Relocation services will be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC 4601 *et seq.*) and implementing regulation, 49 CFR Part 24; California Government Code Section 7267 *et seq.*; California Code of Civil Procedure Sections 1263.010 to 1263.620 and 1255.010 to 1255.060; Housing and Community Development Title 25; State of California, Department of Transportation, Right of Way Manual, as applicable. A general discussion of the scope is as follows:

### TASK 1 - ROW PLANNING

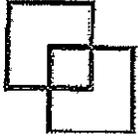
BRI will work with the CITY's staff to help refine the issues facing the ROW acquisition prior to the final design phase. Planning activities include a field review of project and developing a preliminary ROW capital cost estimate based on preliminary plans. This task will include developing a ROW budget and ROW data sheet for the preferred alternative. Per chapter 17.04.02.01 of the Caltrans ROW manual, all ROW Data sheets will be signed by a Right of Way professional with either a Real Estate Appraiser Certification or Real Estate License.

#### Deliverables:

- Make *one site visit*, including an inspection of proposed ROW for opportunities to avoid sensitive sites, critical constraints, and environmental problems.
- Review of current and projected land use patterns from a ROW cost
- Provide a comparable analysis of each property, including potential damages to affected property improvements.
- Assist in identifying ROW solutions to environmental problems where appropriate.
- Establish steps for acquiring rights of way required.
- Provide ROW estimates, by parcel.
- Provide up to 1 ROW Data Sheets.

#### Assumption:

- CITY will provide spreadsheet with all affected parcels, current size, current use and size of acquisition delineated thereon.
- A detailed Relocation Impact Study will not be necessary.
- A detailed Relocation Plan will not be required in this phase.
- Detailed appraisals will not be required in this phase.
- No property owner contact in this phase.
- *Estimates are for budgetary purposes only.*
- CITY will provide number and cost of Utility relocations.
- Utility costs and information to be provided by Engineer.
- Railroad costs and information to be provided by Engineer.



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## **TASK 2 –ROW MANAGEMENT & CERTIFICATION**

This task includes monthly ROW Status meetings, monthly schedule and progress updates, and coordination efforts with the PDT and ROW teams throughout the life of the project.

### **Deliverables:**

- Running weekly BRI staff meetings through the appraisal and acquisition phase of the project.
- Attending City PDT meetings, up to 3.
- Providing Monthly progress updates to PDT and the CITY staff.
- Coordinating design issues between engineering team and ROW team.
- Attendance at one City Council meeting
- Developing ROW Certification.

## **TASK 3 - APPRAISAL SERVICES**

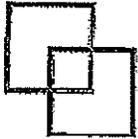
BRI will develop complete appraisals for the CITY that will state the estimated fair market value of the fee simple interest in each referenced property. The appraisal reports will be summary appraisal reports that will be prepared in conformance with and subject to the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute, which fully incorporate the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation. Jurisdictional exceptions may apply in some cases.

Plats and legal descriptions for each of the properties to be appraised will be provided to BRI by the CITY. Some of the items that may affect the appraisal process include:

- Complexity of the valuation;
- Impact of the interests to be acquired (e.g. Temporary Construction Easements, and Public Utility easements).
- Damage Analysis (Severance Damage, Cost to Cure, etc.)

The primary steps in completion of fair market value appraisals of the property rights to be acquired include but are not limited to the following:

- Onsite physical inspection of the subject property with the owner.
- Visual inspection of the comparable market data.
- Study of community and neighborhood in which the subject is located.
- Collection of data from appropriate governmental agencies.
- Verification of market data with sources knowledgeable with the pertinent details of the transaction.
- Analysis of all appropriate data in the before and after condition to arrive at an opinion of value.
- Preparation of report.



**Deliverables:**

- Three copies of each Appraisal that meet all State and Federal Standards
- Up to 15 Appraisal Reports.
- Up to 5 Waiver Valuations

**TASK 3A - INDEPENDENT APPRAISAL REVIEW**

Per Federal and State regulations, (Uniform Act) a qualified reviewing appraiser shall examine all appraisals to assure that they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary correction or revisions. In addition, the review appraiser shall certify that the opinion of fair market value is reasonably supported by an acceptable appraisal. BRI is pleased to include Mr. Stephen Rosenthal, MAI, as the independent reviewer for the project. Mr. Rosenthal and Mr. Landes will ensure the appraisals meet all Federal and State regulations.

**Deliverables:**

- Review certification appraisal reports for up to 15 Appraisals.

**TASK 3B - FURNITURE, FIXTURE & EQUIPMENT (FF&E) APPRAISAL SERVICES**

This scope of these services will depend on the effect of the project on the operations of the various businesses. This won't be determined until the initial appraisal interviews are completed.

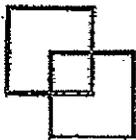
The FF&E valuation will be valued using generally accepted appraisal principles and theory, and comply with the standards outlined by the California Department of Transportation, Right of Way Manual, Section 7.08.02 and the reporting requirements of the Uniform Standards of Professional Appraisal Practice (USPAP) as adopted by the appraisal foundation of the American Society of Appraisers.

The purpose of the "appraisal is to estimate the potential Replacement cost new, Fair Market Value In Use, Salvage Value and Relocation Cost, which will provide the City a number for negotiation and settlement purposes. This value is not intended for Court purposes.

**Deliverables:**

- 2 FF&E Appraisal report for 058-400-034 and 058-400-061.

**TASK 3 - ACQUISITION SERVICES**



Bender Rosenthal, Inc. proposes to develop all necessary contracts, conveyance documents and escrow instructions necessary to make offers based on the CITY's process. We will meet with the owners, and convey documents until acceptance or impasse is reached.

Steps within the acquisition process are outlined below:

1. Review of the project concept and design with staff and other consultants.
2. Review of appraisals, title reports, maps and descriptions of the required parcels.
3. Field review the project with the Project Manager or other designated person.
4. Preparation of right-of-way contracts and other acquisition documents.
5. Meet with the property owners to discuss the project in general; review of maps and legal descriptions; confirm information about occupants/owners and make the official First Written Offer to owner. Acquire tenant consent if required.
6. Acquisition activities are based on settlement by the third contact either in person or by telephone. A recommendation to the CITY will be made after *impasse* has been reached. To reach *impasse* there are specific requirements:
  - A. Go through the *acquisition steps* outlined below; plus
  - B. Make at least three contacts with owner (personal call, letter or phone call) in any combination; plus
  - C. Spend up to eight hours working on the parcel acquisition.
  - D. Responding to property owner inquiries verbally and in writing within two business days.

The acquisition steps when offering compensation to the property owner include:

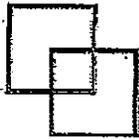
- A. Owner accepts offer. (Close)
- B. Owner rejects offer.
  1. Owner refuses to counter. (Impasse)
  2. Owner makes counter proposal.
    - a. The City accepts counter. (Close)
    - b. The City rejects counter. (Impasse)
    - c. The City makes new offer.
      1. Owner accepts new offer. (Close)
      2. Owner does not accept new offer. (Impasse)
7. Deliver signed right-of-way contract and signed and acknowledged grant deed for closed transaction. Deliver a memorandum explaining impasse.
8. Final report, including transfer of all pertinent correspondence and files, to the CITY.

**Deliverables:**

- Acquisition of up to 19 parcels.

**TASK 4 - ESCROW SUPPORT**

In order to facilitate the closing of the various ROW transactions, the project will provide escrow and title support as part of the scope of work. BRI is very knowledgeable in this area and has the staff



necessary to help the CITY with their title and escrow needs. This task is very difficult to quantify for a scope. For example, we have been very instrumental in providing lender's additional information as it relates to a proposed acquisition (especially if the acquisition has little or no affect to the real estate). This has eliminated the Bank's desire to charge for an additional appraisal. However, it is very difficult to "mandate" a lender to address a partial reconveyance of a deed of trust. Tasks to be considered include:

- The CITY to provide preliminary title reports needed for the Project.
- Review existing easements and permits.
- Review Legal descriptions and plats for the project.
- Title Company to draft consent to easement, partial release and partial reconveyances. Title Company to follow through with appropriate lenders, beneficiaries and trustees.
- Prepare and send Request for Invoice and Demand to the Title Company.
- Copy and forward fully executed escrow grant deed and purchase agreement to CITY for "acceptance of the agreement."
- Receive approved fully executed purchase agreement from the CITY. Forward approved executed copy to property owner.
- Send all executed acquisition documents through escrow and transmit to the appropriate parties, (property owner and City)
- Prepare transmittal and forward closed files to the CITY's Project Manager.
- Research and secure owner's Trust Certificates and Statement of Identity's.

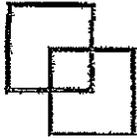
**Deliverable:**

- Facilitate Title and Escrow support as outlined above on up to 18 parcels.

**TASK 5 - RELOCATION ASSISTANCE PROGRAM (RAP)**

Any displaced person or business, as a result of the project, is eligible for relocation assistance as per the Uniform Relocation Act, Title 49 (Part 24). It is anticipated that this project will require one residential and one business relocations on parcel 058-400-034, and one residential and one business relocation on 058-400-061. Relocation tasks include:

1. Conduct personal, on site interviews of prospective displacee's to ascertain relocation needs and special requirements including need for handicapped access or bilingual services (please refer to assumptions).
2. Inform displaced persons of available relocation assistance and explain relocation process.
3. Prepare relocation planning documents to Caltrans Standards (not anticipated)
4. If Necessary, Prepare a Replacement Housing Valuation for residential displacees.
5. Provide advisory assistance as required.
6. Physically assist residential displacee's in locating replacement housing that meets Uniform Act decent, safe, and sanitary (DS&S) requirements.



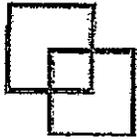
7. Distribute Relocation Assistance brochures, 90 and 30-Day Notices to Vacate, and other notices as required. *(If you do not have 90 and 30-day notices, we can certainly help develop the appropriate documentation).* The Caltrans Relocation Assistance brochure can be provided in English and Spanish
8. Determine eligibility for and proposed amount of relocation benefits, including moving payments and miscellaneous business relocation costs.
9. Inspect replacement site to determine if they meet "decent, safe and sanitary" (DS&S) requirements.
10. Monitor the move to replacement site, as necessary.
11. Prepare necessary payment documentation and deliver benefit checks and other appropriate payments to claimants.
12. Provide displacees with on-going advisory services to minimize hardship.
13. Meet with City staff and/or consultants to coordinate relocation activities.
14. Maintain current and accurate files and records of all contacts with each displacee and include them in a Final Report.

**Deliverable:**

- Provide relocation assistance as outline above for up to 2 residences and 2 businesses

**Assumption:**

- Claim for Relocation benefits will occur within contract period.
- No personal property moves.



## FEES

Based on our current understanding, the affected parcels / areas are provided as follows: 058-244-001, 058-333-009, 058-400-049, 058-400-034, 058-400-006, 058-400-007, 058-400-012, 058-400-013, 058-400-060, 058-400-061, 058-400-063, 058-400-045, 058-400-046, 058-400-047, 058-400-029, UPRR Right of Way, 058-334-002, 058-334-005, 058-334-004.

A summary of our fee based the scope described above is as follows.

	Total
ROW Planning	\$5,000
ROW Management	\$17,200
Appraisal	\$98,500
Appraisal Review	\$38,950
Acquisition	\$56,000
Relocation	\$18,000
Escrow Support	\$10,000
Sub Total	\$243,650
Management Reserve	\$24,365
Total	\$268,015

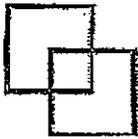
The original scope and fee did not include the following properties which have now been included in the scope and fee presented above.

### UPRR Right of Way Property

058-334-002  
058-334-005  
058-334-004

Parcels that were included in the original proposal but are excluded from the amendment are as follows:

058-292-005  
058-510-001



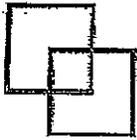
The original budget amounts are provided below for reference only. The amounts below will no longer be applicable upon approval of this amendment.

	Total
ROW Planning	\$5,000
ROW Management	\$17,200
Appraisal	\$81,500
Appraisal Review	\$29,500
Acquisition	\$44,500
Relocation	\$18,000
Escrow Support	\$9,000
Sub Total	\$221,900
Management Reserve	\$22,190
Total	\$244,090

The following are the assumptions behind the budget:

1. Full documentation to Federal and State standards for all tasks.
2. No expert witness testimony.
3. The actual costs may differ from task to task, but the overall budget will not exceed the "Total Budget" shown in the above spreadsheet.
4. No Coordination with State or Federal ROW departments, other than listed in scope.
5. No significant severance damage analysis required for the appraisals. This fee also assumes that no significant structures or improvements will be acquired, other than those listed in the scope.
6. Any external audit support will be billed on a time and material basis.

Rates for appraisal services vary based on land use and type of acquisition. Appraisal services are generally completed on a lump sum basis rather than hourly.



**2014 RATES**

Cydney G. Bender, MAI	\$215/hr.*
David Wraa, MAI	\$215/hr.*
Bob Morrison, PE, CA Real Estate Broker	\$215/hr.*
Designated Members of the Appraisal Institute (MAI/SRA)	\$215/hr.*
Senior Project Manager	\$180/hr.
Quality Control Auditor	\$165/hr.
Senior Appraiser	\$140/hr.
Relocation Specialist	\$150/hr.
Senior Acquisition Agent	\$140/hr.
Acquisition Agent	\$125/hr.
Appraiser	\$110/hr.
Other Associated Professional Staff	\$ 85/hr.
Researchers	\$ 85/hr.
Administrative/Production	\$ 75/hr.

\*NOTE: For court or briefing preparation, depositions, any pre-trial conferences, court appearances, and related activities, the hourly rate is \$430 per hour.

## AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into as of the 20<sup>th</sup> day of June, 2014, by and between the City of Calexico ("City") and Bender Rosenthal, Inc. ("Consultant").

### RECITALS

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

### AGREEMENT

1. Scope of Services. The Consultant shall furnish the following services in a professional manner. Consultant shall perform the services described on Exhibit A which is attached hereto and incorporated herein by reference. Consultant shall provide said services at the time, place, and in the manner specified in Exhibit A, subject to the direction of the City through its staff that it may provide from time to time.
2. Time of Performance. The services of Consultant are to commence upon execution of this Agreement and shall continue until all authorized work is approved by the City. All such work shall be completed no later than December 31, 2015. Time is of the essence for every provision of this agreement that states a time for performance and for every deadline imposed by the City.
3. Compensation. Compensation to be paid to Consultant shall be as set forth in Exhibit B, which is attached hereto and incorporated herein by reference. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.
4. Method of Payment. Consultant shall submit monthly billings to City describing the work performed during the preceding month. Consultant's bills shall include a brief description of the services performed, the date the services were performed, the number of hours spent and by whom, and a description of any reimbursable expenditures. City shall pay Consultant no later than 30 days after approval of the monthly invoice by City staff.
5. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's

expense, provide such reports, plans, studies, documents and other writings to City upon written request.

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

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

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

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

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

10. Insurance Requirements.

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

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

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

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

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

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

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

ii. This policy shall be considered primary insurance as respects the City, its elected or appointed officers, officials, employees, agents and volunteers. Any insurance maintained by the City, including any self-insured retention the City may have, shall be considered excess insurance only and shall not contribute with it.

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

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

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

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

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

11. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.
12. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of Consultant to practice its profession. Consultant shall obtain a City of Calexico Business License.
13. Controlling Law Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Imperial, California.
14. Written Notification. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other party shall be in writing and either served personally or sent prepaid, first class mail. Any such notice, demand, etc. shall be addressed to the other party at the address set forth herein below. Either party may change its address by notifying the other party of the change of address. Notice

shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City: City of Calexico, City Manager  
608 Heber Ave.  
Calexico, CA 92231

If to Consultant: Bender Rosenthal, Inc.  
4400 Auburn Boulevard, Suite 102  
Sacramento, CA 95841

15. Consultant's Books and Records.

a. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to City for a minimum period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant to this Agreement.

b. Consultant shall maintain all documents and records which demonstrate performance under this Agreement for a minimum period of three (3) years, or for any longer period required by law, from the date of termination or completion of this Agreement.

c. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Manager, City Attorney, City Auditor or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.

d. Where City has reason to believe that such records or documents may be lost or discarded due to dissolution, disbandment or termination of Consultant's business, City may, by written request by any of the above named officers, require that custody of the records be given to the City and that the records and documents be maintained in City Hall. Access to such records and documents shall be granted to any party authorized by Consultant, Consultant's representatives, or Consultant's successor-in-interest.

16. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this Agreement.

17. Amendments. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.

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

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

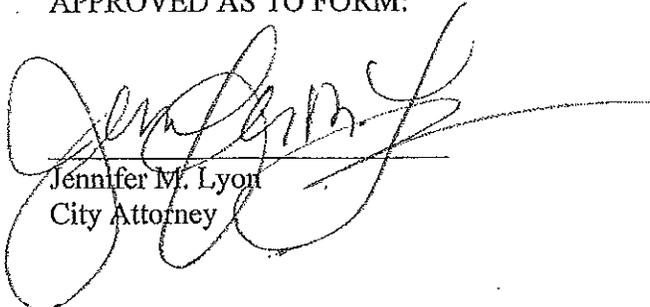
CITY OF CALEXICO:

  
\_\_\_\_\_  
John Quinn  
Interim City Manager

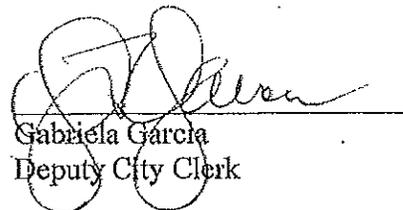
CONSULTANT:

  
\_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jennifer M. Lyon  
City Attorney

ATTEST:

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

## **EXHIBIT A**

### **SCOPE OF SERVICES**

**(to be filled in by Consultant)**

Bender Rosenthal, Inc. will provide appraisal services for acquisition of parcels required to realign East Anza Road.

#### **Task 1 - Project Management**

Upon receipt of the contract and notice to proceed, our project manager will host a kick off meeting to confirm expectations with the City of Calexico's staff regarding the scope, schedule, and budget that must be adhered to complete the task. Our project manager will report the progress of the work as agreed upon with the City of Calexico staff.

#### **Task 2 – Real Property Appraiser**

BRI will prepare appraisal reports for the City of Calexico stating the highest and best use and estimated fair market value of the fee simple interest in each referenced property. The appraisal reports will be prepared in conformance with and subject to the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute, which fully incorporate the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation. Jurisdictional exceptions may apply in some cases.

The highest and best use, both vacant and improved, will be fully analyzed with special attention given to such issues as interim improvements, potential change in zoning/general plan, and/or non-conforming uses. When appraising a partial acquisition, the report will contain estimates of the fair market value for the fee interests of the "larger parcel". When valuing the larger parcel, project influence on market value cannot be considered. The contributory value is allocated to land and improvements, as necessary; then to the partial acquisition; and finally to the remainder of the larger parcel. The remainder, as a separate distinct parcel, is then valued before considering, and then after considering, benefits. One or more approaches to value may be used as appropriate when valuing the larger parcel and the remainder as a separate parcel. The remainder valuations are used to estimate severance damages and benefits that accrue to the remainder.

The partial acquisition appraisal methodology is as follows:

- Value the undivided fee interest of the larger parcel (entire ownership before proposed acquisition) including land, improvements and property rights.

- Value the partial acquisition allocating the contributory value of the land and improvements that are being acquired.
- Value of the remainder, considering the contributory value of land and improvements to the larger parcel.
- Value the remainder (as a separate and distinct parcel) after the acquisition and before consideration of benefits.
- Value the remainder (as a separate and distinct parcel) after the acquisition, considering benefits.

In the event the major improvements are located on the remainder and not subject to potential severance damages, the appraiser may elect not to value these improvements.

Where the Reviewer has a difference of opinion with the Appraiser, clarification will be sought, differences resolved, and changes incorporated as applicable followed by a USPAP compliant review recommending approval.

### **Deliverables**

BRI will provide the following deliverables:

- Individual Appraisal reports for each property, with photos location maps and comparable sales.
- Appraisal summary statements.

**EXHIBIT B**

**SCHEDULE OF CHARGES**

(to be filled in by Consultant)

<b>Task/Assigned Staff</b>	<b>Direct Labor Rate</b>	<b>Hours</b>	<b>Direct Labor Cost</b>
<b>Task 1 - ROW Project Management</b>			
Rick Engstrom	\$ 60.00	12	\$ 720.00
<b>Total Task 1</b>		<b>12</b>	<b>\$ 720.00</b>
<b>Task 2 - Real Property Appraisal</b>			
Rick Engstrom	\$ 60.00	85	\$ 5,100.00
<b>Total Task 2</b>		<b>85</b>	<b>\$ 5,100.00</b>
<b>Total Hours and Direct Labor</b>		<b>97</b>	<b>\$ 5,820.00</b>
<b>Overhead Burden</b>	110.00%		<b>\$ 6,402.00</b>
<b>Fixed Fee</b>	10%		<b>\$ 1,222.20</b>
<b>Other Direct Costs</b>			
Mileage	\$ 0.560	400	\$ 224.00
Other/Miscellaneous			\$ 131.80
<b>Total Other Direct Costs</b>			<b>\$ 355.80</b>
<b>Grand Total Cost</b>			<b>\$ 13,800.00</b>

**Clarifications and Limitations:**

1. Task 1-Management cost is based on one-kick off meeting and on a three month project duration.
2. Estimate does not include costs for litigation support services, appraisal declarations, updated valuation statements, or expert witness testimony.
3. A per meeting charge of \$800.00 will apply to attendance at public meetings.

EXHIBIT C

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

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

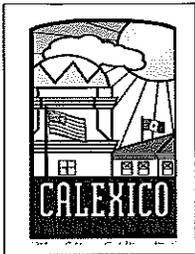
~~Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_\_, California.~~

\_\_\_\_\_  
Consultant

**NOT APPLICABLE**

**AGENDA  
ITEM**

**14**



# AGENDA STAFF REPORT

**DATE:** September 1, 2015

**TO:** Mayor and City Council

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

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

**SUBJECT:** Adopt Resolution No. \_\_\_\_ That Prescribes the Depository of City Funds and Prescribes the Method of Drawing Warrants and Checks of the City of Calexico.

=====

## Recommendation:

City Council Adopt Resolution No. \_\_\_\_ That Prescribes the Depository of City Funds and Prescribes the Method of Drawing Warrants and Checks of the City of Calexico.

## Background:

An election was held in June 2012 where the citizens of Calexico voted in the majority to no longer elect a City Treasurer. Instead, the City Treasurer would be an appointed position. In September 2012, the Council authorized the City Manager to appoint the City Treasurer on its behalf. Subsequent to that, the City Manager combined the duties of the Finance Director with those of the City Treasurer and, in effect, appointed the Finance Director to also be the City Treasurer. This created the new position of Finance Director/City Treasurer. Part of the new position was the incorporation of the Finance Director/City Treasurer to be one of two check signers for all City check disbursements. The other was the City Manager.

In June 2014, the former City Manager was officially separated from the City of Calexico. That created a need to change the other name on the City's dual signature authority. Effective July 1, 2014, Richard N. Warne was appointed to the position of Interim City Manager. The Council soon after agreed he should also be a signer.

As of September 3, 2015, the Finance Director/City Treasurer will no longer be with the City of Calexico. After careful consideration, staff recommends that the Council approve the Finance Manager, Mr. Eduardo Gutierrez, to be the signer replacing the Finance Director/City Treasurer.

The above recommendation ensures that the signers remain as combined finance management staff and the City Manager. It also ensures the signers are continuing to be reviewers of supporting documents and warrants and that the internal controls play a vital role in the preparation and disbursement of checks.



Adopt Resolution No. \_\_\_\_\_  
September 1, 2015

**Discussion and Analysis:**

There is no analysis or further discussion needed.

**Fiscal Impact:**

There are no fiscal implications

**Coordinated With:**

Wells Fargo Bank. Wells Fargo Bank requires a resolution approved by the Council to effect or change any signature or other checking account information.

**Attachments:** Resolution No. \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO  
PRESCRIBING THE DEPOSITARY OF CITY FUNDS AND PRESCRIBING  
THE METHOD OF DRAWING WARRANTS AND CHECKS OF THE CITY OF  
CALEXICO**

**WHEREAS,** The City of Calexico desires to prescribe a method of depositing funds pursuant to Title 5, Division 2, Part 1, Chapter 4, Article 2 (commencing with Section 53630) of the Government Code of the State of California, and drawing warrants and checks pursuant to Section 37203 of the Government Code of the State of California.

**WHEREAS,** The City desires to designate the official depository of said funds.

**NOW, THEREFORE,** be it resolved by the City Council of the City of Calexico that Wells Fargo Bank, N.A. is hereby designated as the depository of funds of the City of Calexico for the payroll account and the general account respectively, and that from time to time the City shall, in accordance with Government Code Section 53651, deposit idle cash funds with the institution in the form of eligible securities.

**BE IT FURTHER RESOLVED,** that the City Manager or his/her designee is hereby authorized to deposit and withdraw idle cash funds with institutions other than Wells Fargo Bank, N.A. in accordance with the City's Investment Policy in effect at the time and that financial institutions are hereby requested, authorized and directed to honor all checks, drafts, or other order for payment of money drawn in this corporation's name on the Payroll Account (including those drawn on the individual order name of any person or persons whose names appear thereon) when hearing, the dual facsimile signatures of the following:

**RICHARD N. WARNE  
CITY MANAGER**

**EDUARDO GUTIERREZ  
FINANCE MANAGER**

And the financial institutions shall be entitled to honor and charge this corporation for all such checks, drafts, or other orders for payment of money, regardless of by whom or by the means the actual purported facsimile signature or signatures thereon may have been affixed thereto, if such signatures resemble the facsimile specimens filed with these institutions from time to time; and

**FURTHER RESOLVED,** that all checks of the City of Calexico hereafter drawn shall be required to bear only the manual signatures of the City Manager and Finance Manager thereon.

**FURTHER RESOLVED,** that the bond of the City Manager and the Finance Manager of the City of Calexico be retained at the penal sum of \$50,000.  
**PASSED, AND ADOPTED,** this 1st day of September 2015.

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

ATTEST:

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

*Approved as to form:*

\_\_\_\_\_  
Mark Austin, City Attorney

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

I, Gabriela Garcia, City Clerk for the City of Calexico, do hereby certify the foregoing Resolution No. \_\_\_\_\_ was adopted by the City Council in a regular session held on the 1st day of September 2015, by the following vote to wit:

AYES:

NOES:

ABSENT:

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