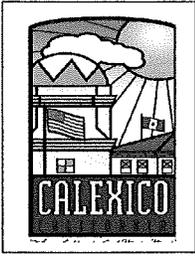


**AGENDA
ITEM**

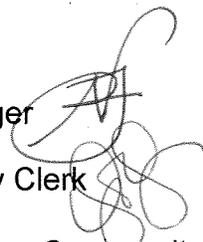
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AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Gabriela T. Garcia, Deputy City Clerk

SUBJECT: Approval of City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Meetings of November 17, 2015, August 18, 2015, September 15, 2015, Special Meetings of September 15, 2015 and September 23, 2008

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Recommendation:

Approval of City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Meetings of November 17, 2015, August 18, 2015, September 15, 2015, Special Meetings of September 15, 2015 and September 23, 2008.

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 November 3, 2015, September 8, 2015, June 23, 2015, May 26, 2015, June 30, 2008 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 November 17, 2015, August 18, 2015, September 15, 2015 and Special Meetings of September 15, 2015 and September 23, 2008.

AGENDA
ITEM
4

THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY SUCCESSOR AGENCY/CALEXICO FINANCING AUTHORITY MET IN REGULAR SESSION ON THE 17TH DAY OF NOVEMBER 2015 AT 6:30 P.M. AT THE FERNANDO "NENE" TORRES COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.

CALL TO ORDER

Mayor Kim called the meeting to order at 5:35 p.m.

ATTENDANCE:

Mayor: Joong S. Kim
Council Member: Armando Real
Council Member: John M. Moreno

ABSENT:

Mayor Pro Tem: Luis Castro
Council Member Castro arrived at 5:56 p.m.
Council Member: Maritza Hurtado

CLOSED SESSION

Council convened in Closed Session at 5:39 p.m. to discuss the following:

1. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Title: City Manager
(Govt. Code § 54957(b))

2. PUBLIC EMPLOYEE APPOINTMENT

Title: City Attorney
(Govt. Code § 54957(b))

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Acting City Manager
(Govt. Code 54957(b))

City Council reconvened from closed session at 6:28 p.m.

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

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

CALL TO ORDER

Mayor Kim called the regular session of the Council meeting to order at 6:35 p.m.

ATTENDANCE.

All members present: Kim, Castro, Real, Hurtado, Moreno.

PLEDGE OF ALLEGIANCE.

Mr. Eduardo Lopez led those present in the Pledge of Allegiance.

**INVOCATION BY PASTOR MODESTO DIAZ, CALEXICO UNITED METHODIST
CHURCH**

Pastor Modesto Diaz, Calexico United Methodist provided an invocation for the Council, Residents and those present at the meeting.

CLOSED SESSION ANNOUNCEMENTS.

Assistant City Attorney Hargreaves reported direction was given, no reportable action was taken.

APPROVAL OF THE AGENDA

Council Member Moreno made a motion to approve the agenda as presented. Motion was seconded by Council Member Castro. Motion passed by the following vote to wit:

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

PRESENTATIONS

**PROCLAMATION FOR THE 36TH ANNUAL FARM WORKER APPRECIATION
BREAKFAST.**

Calexico City Council Members read the Proclamation for the 36th Annual Farm Workers Appreciation Breakfast and Week on November 30, 2015 to December 4, 2015.

Mayor Kim presented the Proclamation to Mr. Daniel Santillan who received the proclamation on behalf of the Farm Workers.

PRESENTATION BY KEN PUN, PUN & MCGEADY ON THE FINANCIAL AUDITS FOR FY 2012-2013 AND FY 2013-2014.

Mr. Ken Pun provided a presentation regarding the reissuance of the 2013 Single Audit Report and the 2014 Single Audit Report called the federal compliance audit. He provided the scope of work on why the need for a single audit as required for compliance. He explained he would review 2013, 2014 and prepare for the upcoming 2015 audit. He explained there GASB requirements this year which will have big impacts on the financial statements. He explained the scope of work is for the reissuance of the 2013 Single Audit Report. He stated the 2013 Single Audit was issued in early 2014 however there were expenditures that were not included in the audit.

Mr. Pun explained the Single Audit Report is needed because the City has expended more than \$500,000 in Federal Funding. He explained the Council is fully responsible for the present schedule of expenditures of federal awards in accordance with OMB Circular A-133. The City needs to adopt sound accounting policies and establish and maintain internal controls over financial reporting and compliance.

The Schedule of Expenditures of Federal Awards for the year ended in June 30, 2013. Total Expenditures of Federal Awards was \$6,629,655 dollars. The major programs are Home Investment Partnership Program, Equitable Sharing Program, Staffing for Adequate Fire and Emergency Response. The total major program expenditures are \$5,910,058 dollars.

Auditor's Responsibilities

Council Member Real asked if it was normal for a City to have a reissuance. Mr. Pun stated there are times when this happens. One particular program is not a cash particular program.

Mr. Pun explained that the auditor's responsibilities are to assess audit risk of internal controls over financial reporting and compliance. Moreover, determine compliance with OMB Circular a-133 and its compliance supplement.

The schedule of expenditures of Federal Awards for the year ended in June 30, 2013. Total Expenditures of Federal Awards was 6,629,655 dollars. The major programs are Home Investment Partnership Program, Equitable Sharing Program, and Staffing for Adequate Fire and Emergency Response. The total major program expenditures are 5,910,058 dollars.

Councilmember Real asked if audit consisted of the General Fund. Mr. Pun explained this does not include the general fund. Overall, the good news is that we actually worked with management team to try and issue an unmodified opinion. The unmodified opinion complied in all Material Respects, with the Compliance Requirements that could have a direct and material effect on each of the major programs. The Material Weaknesses and Significant Deficiencies on Internal Controls over Financial Reporting and Compliance were noted. Non-compliance from HUD Audit on Non-Major Program was disclosed in Note 5 to the Schedule of Expenditures of Federal Awards. He further stated the City is still in compliance with those grants. He explained that CDBG was audited by HUD and they had a finding on supporting documentations.

Councilmember Real asked if the opinion had not been changed, it was still unqualified. Mr. Pun explained the report was unmodified.

Mr. Pun commented on the financial statement findings. In 2013-01, the Internal Control over Financing Reporting prior period there were adjustments of \$946,300 dollars on capital lease and related liabilities that were not recorded.

2013-02 – Mr. Pun stated that for the past two years, it seems that the City did not complete the year end closing procedures and there are a lot of closing adjustments in order to make sure it is in compliance with US GAAP.

2013-03 Accurate Preparation of the Schedule of Expenditures of Federal Awards. Restated program expenditures in the amount totaling \$222,741 of the Equitable sharing agreement and staffing for adequate fire and emergency response. The Accurate Preparation of the Schedule of Expenditures of Federal Awards. The Restatement Program expenditures totaled 222,741 dollars.

2013-03 Accurate Preparation of the Schedule of Expenditures of Federal Awards – Restated program expenditures in the amount totaling \$222,741. Mr. Pun explained the two new findings added as a result of the reissuance of the single audit were the Equitable sharing agreement and Staffing for Adequate Fire and Emergency Response which were understated in the SEFA and the expenditures needed to be added. After adding the expenditures, it triggered to be a Type-A major program under OMB Circular A-133. He further stated this is why they are conducting more testing on these two programs. He stated the Equitable Sharing Agreement has a lot of monitoring requirements noted.

Mr. Pun responded by saying it was on the expenditure side and not on the financial statement and this is what is reported to the federal government. He further informed that in 2013-04 Internal Control Over Budget monitoring process of General Fund Expenditures exceeded \$487,983 dollars.

The Federal awards findings for 2013-05 the sub-recipient monitoring of Home Investment Partnership Program. The City passed the money to a sub-recipient and there was no indication that the City has performed a sub-recipient monitoring to make sure the sub-recipient has properly spent the money and is in compliance with the requirements under OMB Circular A-133. He further stated the City has to consider putting in monitoring programs and collect the single audit report from the home auditor to make sure they were in compliance.

2013-06 Cash Management in equitable sharing program and 2013-07 allowable costs/cost principles in equitable sharing program. Mr. Pun states on this program there was a check in the amount of \$ 104,000 that was not processed. He advised the check was found in the desk drawer of the former Chief of Police. Mr. Pun stated this is not good cash management procedures.

Councilmember Real inquired if this was something normal. Mr. Pun advised this was not normal.

Mr. Pun shared Federal Awards Findings with City Council members. 2013-08 the Allowable Costs in Equitable Sharing Program. He stated the Federal government allows you to use this money for police purposes but the former finance director transferred to this program which caused

\$600,000 of overtime that is not supported by any supporting documents. The money was transferred back to the asset forfeiture funds and will submit the report to the state and supported with the timesheets.

Councilmember Moreno asked if it does require justification. Mr. Pun responded it does.

Mr. Gutierrez, Acting Finance Director explained that the City has researched and proved the expenses under the asset forfeiture fund and that about \$300,000 will impact the general fund.

Mr. Pun comments that the City did not submit the correct report and hopes the City will submit the reports and review more carefully.

Mr. Gutierrez, Acting Finance Director stated the City saved a quarter million dollars with these findings. Mr. Pun stated that if the City would charge the \$609,000 to general fund then they would not be able to give a clean audit.

Councilmember Real asks how City is off. Mr. Pun responds about 370,000 dollars.

Councilmember Real asks how much the City was off. Mr. Pun responds about \$370,000 dollars.

Mayor Pro Tem Kim states the City should not have lost \$600,000. Mr. Pun explains this is why one of the findings is the monitoring process and there are tools and one of the findings in 2013-14 is causing the program. The internal controls are in place and will solve a lot of problem with budget vs. actual so there is no overspending in the budget.

2013-09 Reporting Equitable Sharing Program. The Schedule of Expenditure of Federal Awards for the year ended in June 30, 2014. The total expenditures of Federal Awards were \$4,531,575 dollars. Major programs were the Programs Disaster Grants and the Public Assistance totaling \$3,681,229 dollars.

2014-02 Mr. Pun stated that in the Accounting Close and Accuracy in Financial Reporting the city did not complete year-end closing procedures. He stated that in 2014-03 the cash account reconciliations, the bank accounts were not reconciled in a timely manner. In 2014-04 the Journal entry review and journal entries were not consistently reviewed. He further stated there are still changes to the 2014 in the programs and this is why there is internal control issues. In 2014-05 the accurate preparation of the schedule of expenditures of federal awards adjusting program expenditures for the following: Equitable sharing program, Staffing for adequate fire and Emergency response. He also reported that in 2014-06 the internal control over budget monitoring process general fund expenditures exceeded 487,983 dollars.

Mr. Pun commented on audit results, material weaknesses and significant defies were noted. Additionally, non-compliance from HUD audit on Non-Major Program was disclosed in Note 5 to the schedule of expenditures of federal awards. 2014-01 the Internal Control over financing reporting prior adjustments were made on reconciled cash balances in the amount of 1,361,145 dollars.

Mr. Pun reported that no findings were noted for the year ended on June 30, 2014. For the year ended June 30, 2015 implementation of GASB Standards: GASB Statement No. 68, Accounting

and financial reporting of pension plan, GASB Statement No. 69 Government combinations and disposia and GASB Statement No. 71 Pension transition for contributions made subsequent to the measurement date.

Mr. Pun comments they are working very closely with the team to make sure the timelines are being kept. Correction plans are already being placed into action.

Councilmember Moreno asked how the City rated in comparison to other years. Mr. Pun responded the City is barely passing with a grade of B. He further stated the internal controls can still be managed.

Councilmember Real states the City of Calexico has had issues, but is working to do the right thing to get out of these issues. Mr. Ken responded affirmatively.

Mayor Kim requested a special meeting to ask questions and discuss the details.

PUBLIC COMMENTS AND PUBLIC APPEARANCES

Ricardo Servin spoke about the firing of his brother, Mr. Nick Servin. He did not what is going on and he stated it will cost the City a lot of money to hire an engineer. He stated Mr. Servin had all the qualifications and he is an honest engineer.

Dr. Mohammed Asiad asked the Council and the City Manager regarding his son's case. He stated the evidence in the case has not been presented to the District Attorney and he felt the police department did not provide the evidence to prosecute the case. He stated he wants to see what the officers are doing and who they are protecting, the children or the criminals. He requested an investigation on the corruption of getting rid of the evidence. He requested an answer from the Chief of Police, the City Manager and the Council because it has been one year and one month and the police has not followed up with him and the victim. He stated his son lost his hearing and has brain damage and requested the answer and the evidence. He stated this is a serious crime from October 17, 2014. Mayor Kim referred him to the City Manager.

Ben Horton, EDC Chairperson provided a report on the activities of the Economic Development Commission. He stated the EDC has assisted four businesses in moving to Calexico. The commission is moving along with the stature awards and the commission is being active. He reported the commission has met with the Industrial Commission in Mexicali.

Mrs. Norma Velez reported on the problems she has with the alley and waiting to know what is going to happen. She stated she is open to an explanation and asks for her safety and good service from the water and also addressed the contamination in the alley and the problem with the gas line and asked the Council to listen to her complaint.

Council Member Real asked if the meter can be relocated. Acting City Manager Fenley stated he will visit Mrs. Velez and take care of the situation.

Jason Jung commented that Chief Bostic causing the City a lot of money and how is not doing his job. He stated the Lt. Gerardo had questioned him on not supporting him to be chief. He referred Mr. Asiad's comments of corruption by the Police Department and spoke about a prior open case

regarding an accident. He questioned why Lt. Gerardo telling people he will support them to be Chief if he gets promoted to Commander.

CITY COUNCIL COMMENTS AND REPORTS OF MEETINGS ATTENDED

Council Member Real asked everyone to keep the people from Paris, France in their prayers. He thanked the business owners for being present at the meeting.

Mr. Moreno thanked the City Manager and City Staff on the Veteran's Ceremony last week. He advised he had the opportunity to meet with potential senate candidate Laura Sanchez who met with the County. Thanked the people on Melrose for fixing the building on Second Street.

Council Member Castro thanked the veterans and expressed his respect to those who serve the Country and that it was his honor to congratulate them because they give us the opportunity to live safely in this country.

Mayor Kim thanked the City staff for the celebration of the Veterans for their service. He stated he had the opportunity to personally thank the Korean War veterans for helping and saving South Korea. He attended the new port of entry ground breaking and discussed the impacts to the City and spoke about the benefits to the City. He further stated he was sad about the budget conditions and the over spending. He stated Staff need to be aware and may have to take actions regarding the loss and asked cooperation from the citizens and the staff to get through this situation.

CITY MANAGER'S REPORT

Acting City Manager Fenley reported he attended the Veteran's Day Celebration and thanked staff for a great job. He also attended the GSA ground breaking ceremony and reported construction on the new port of entry will begin in December with a completion date of 2017-2018. He advised the Council that Mr. Gutierrez and his staff are diligently working and there will be a financial report for the next meeting. He advised City Hall will be closed on Friday, November 20, 2015 from 11:00 am to 1:00 pm for a Thanksgiving Luncheon to thank the staff for their hard work throughout the year. He wished everyone a Happy Thanksgiving.

CONSENT CALENDAR

Motion was made by Council Member Real to approve the Consent Calendar. Motion was seconded by Council Member Moreno.

Council Member Castro requested to pull Item No. 7 for discussion.

Council Member Real and Council Member Moreno rescinded their prior motion and made a motion to approve the Consent Agenda consisting of Items 6, 8, 9 and 10 as follows: Approval of City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Meetings of November 3, 2015, September 8, 2015, June 23, 2015, May 26, 2015, June 30, 2008; Resolution of the City Council of the City of Calexico Approving Application for Funding for Calexico New River Parkway Project from the Urban Waters Small Grant Program Administered by the U.S. Environmental Protection Agency;

Resolution of the City Council of the City of Calexico Approving the 2015 Annual Report of the Calexico Business Improvement District and Declaring Council's Intention to Levy an Annual Assessment For the Calexico Business Improvement District for Calendar Year 2016 and Directing the City Manager to Schedule a Public Hearing for December 1, 2015 to Consider Levying the Assessment. Motion was seconded by Council Member Moreno and Motion passed by the following vote to wit:

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

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION

WARRANTS FROM OCTOBER 16, 2015 TO OCTOBER 30, 2015 AND CITY SALARIES AND BENEFITS FROM OCTOBER 16, 2015 TO OCTOBER 29, 2015.

Council Member Castro asked about the \$1.7 million in expenditures in two weeks from October 16, 2015 to October 30, 2015 and expressed his concern for the amount of expenditures. He also requested the revenues for the month.

Acting Finance Director Gutierrez advised that a report stated the City will have to develop a report for revenues and explained these expenditures are not just general fund, it also includes all other City funds.

Mayor Kim inquired about the eight to ten payments made to Liebert Cassidy Whitmore for attorney expenditures and whether they were for one case or various cases. Mr. Gutierrez explained the expenses were for several different cases.

Acting City Manager Fenley explained these are expenses that were pending to be paid from the prior administration.

Mayor Kim inquired on payment to Ten Over Studio on Page 3 in the amount of \$10,411.40 for Program Feasibility Study. Acting City Manager Fenley advised him this was another payment that was not made back in August.

Mayor Kim requested that the expenses pending need to be justified prior to payment.

Police Chief Bostic explained payment to Ten Over Studio was for a feasibility study for combing the fire and police department. He further stated the City found out it was too expensive and did not continue with the project.

Council Member Castro stated the need to add a sub-totals to the report.

Council Member Real suggested a sub-total to be added at the end of each vendor on the report.

Direction was given to Mr. Gutierrez to provide a sub-totals for each vendor.

Motion was made by Council Member Real and seconded by Council Member Moreno to approve the Warrants from October 16, 2015 to October 30, 2015 and City Salaries and Benefits from October 16, 2015 to October 29, 2015. Motion passed by the following vote to wit:

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

DISCUSSION AND POTENTIAL ACTION ITEMS

Council Member Real requested to move Item No. 14 to be heard before Item No. 11 on Discussion and Potential Action Items. Motion was made by Council Member Moreno and passed by the following vote to wit:

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

TEMPORARY REDUCTION OF DEVELOPMENT IMPACT FEES AND BUILDING/PLANNING AND FIRE FEES FOR RESIDENTIAL AREAS ONLY (COUNCIL MEMBER REAL AND COUNCIL MEMBER MORENO).

Mayor Kim spoke about the public being misled to believe that the City is trying to increase the fees when the agenda item is to reduce the fees.

Acting City Manager Fenley stated the City is looking to lower the fees so they are more compatible with fees around the Valley to promote business developments in Calexico.

Ben Horton stated the Economic Development Commission was previously tasked by the Council to review the Impact Fees in comparison to other cities. He stated that many businesses are turning away due to the fees. He presented documents to the Council on the various fees around the Valley. He requested the City Council review and reduce the fees to support the business in Calexico and stimulate business coming to Calexico. He asked the Council do something positive for the City and show our greatness to the Valley.

Art Tafoya, new business owner in Calexico stated he is in favor of reducing the fees so this brings new development and help Calexico grow.

Delfino Ramirez, Socorro Calderon, Martha Otero, Luis Flores, Maria G. Dublin, Lourdes Jimenez, Karla Velasquez, Nirvana Galvez and Luz Galvez registered their support of lowering the impact fees but do not wish to speak.

Eduardo Guzman stated it was great that the City is comparing the fees to other cities and stated that this was common sense. He suggested reducing the business licenses because there are many people who are behind in their payments. He suggested getting people to pay their licenses before the holiday season so they continue to be in business in the coming year.

Armando Martinez spoke representing business owners and in favor of reduction of the fees and hoped for good news. He stated that by taking this initiative it will oxygenate the commerce and will invite people to invest in the City and increment the revenues for the City.

Jason Jung spoke about the lowering the fees and stated the Council Member Real misled the people into believing the business license fees would be removed when it is the impact fees. He spoke about making up the deficit of impact fees with taxes for new businesses. He requested that the item for business license fee be placed on the next agenda and discuss it and provide clarification on the business signs and that the City finish this item before moving on to other business.

Assistant City Attorney Hargreaves stated that in order to take action, it would have to appear on the agenda. He advised the Council could act on Development Fees, Building, Fire and Planning however the business license is not on the agenda and would have to be brought back at another meeting.

Acting City Manager Fenley stated it can be placed on the next agenda and be brought back with the proper wording. Mayor Kim directed the City Manager bring an item back with all the fees with a recommendation at the next meeting.

Council Member Real stated it would be a disservice to those came not take action and further stated he did not need a study because he is looking at Calexico sees how El Centro is taking all the businesses from Calexico and requested this needs to be acted on now.

Council Member Moreno asked that the item also include commercial and industrial zones and make it for 18 months.

Acting City Manager Fenley asked that the item be brought back to the next meeting to include all fees.

Council Member Moreno commented on the fees on the spreadsheet presented to the Council and questioned why there are fees in Calexico that are not charged in other cities. He stated the City needs to get in line with the rest of the County and Staff needs to match the fees with El Centro. Mayor Kim stated this is why he is requesting the Acting City Manager to bring all fees back to the next meeting.

Motion by Council Member Real to approve lowering of commercial, industrial and residential fees to match fees for City of El Centro for 6 months.

Mayor Kim stated this would micromanage the Staff and Council needs to respect the City Staff and let them bring forth recommendations. He directed the Acting City Manager to bring the agenda item forth with reductions of all the fees at the next meeting.

Council Member Moreno questioned several fee schedules, community development fees schedule and deposits that have no comparison to other cities and asked how they are aligned with page presented.

Acting City Manager Fenley stated this documentation was provided by Mr. Ben Horton.

Ben Horton stated that in 2009 the City Council directed EDC to put the study together. He asked to keep it simple and match the fees to El Centro as requested by Council Member Real.

Council Member Moreno asked for the fees prior to 2009 and go back to the 2008 fee schedule.

Ben Horton stated the fees prior to the Maximus Study were lower. He stated the City of Calexico went to the highest fees charged per the Maximum Study. He also stated the City cannot charge more than what it costs to provide the service.

Mayor Kim stated that in order to reduce the fees, the City needs to renegotiate the expenses and this is why all the fees were increased. He stated the fees were increased when the economy was good but now the community is hurting. He further stated the need to respect the professional recommendations and asked that Mr. Fenley bring back the fees at the next meeting.

Mark Holloway stated this is an important item for the future of the City. He asked if there is any way that we can find out what we have been missing over the past 5-7 years and how much we have lost from people coming to Calexico. Acting City Manager Fenley stated it is impossible because the City does not track. He further stated that things change and the City has to do what it takes to compete.

Mayor Kim stated he would like to lower the fees as much as we can without jeopardizing the City.

Council Member Real stated that when a business comes to the Valley and they see that it is cheaper to go to El Centro and they go. He stated the study does not matter and we have to match El Centro's fees.

Mayor Kim stated the need to respect the staff and work with them. He asked to study the fees to base them on our expenditures.

Council Member Moreno spoke about the comparison to the City of Riverside.

Council Member Real stated to put this off for another six months to a year is too much.

Council Member Moreno spoke about the fees on the spreadsheet and comparison to Calexico and how some of the City of El Centro does not charge.

Motion was made by Council Member Real to match El Centro for six months while Staff brings forth a rate study. Council Member Moreno seconded for discussion.

Council Member Moreno asked if the fees for El Centro have changed. He was informed they are the same.

Motion passed by the following vote to wit:

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

Council Member Real clarified this action was only for residential.

Assistant City Attorney Hargreaves stated the City can take the position that for development fees you can do residential, commercial industrial and for Building, Planning and Fire fees it would only be residential

Council Member Real asked that direction be given to the Attorney to word the agenda item for the next meeting because this is the second time and it was not worded correctly.

Acting City Manager Fenley advised him it was worded the same because it was a continuance from the prior meeting and had to be worded the same way.

Council Member Real asked if direction to begin matching the fees effective immediately.

Council Member Moreno asked if it would take thirty days for the action to be effective. Mr. Hargrave advised it was immediately if so directed.

Council Member Real requested clarification from the City Attorney on the action passed. Mr. Hargreaves stated his understanding is that Council reduced the development impact fees for residential, commercial and industrial across the board. Mayor Kim stated it was not for commercial fees, it was for residential. Mr. Hargreaves stated it was for everything for development impact fees and to match fees for El Centro.

Motion was by Council Member Real to supersede his prior motion and to match the Development Impact Fees and Building, Planning and Fire Fees for residential only for a period of twelve months. Second was seconded by Council Member Castro and passed by the following vote to wit:

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

APPROVAL OF HOLIDAY SCHEDULE 2015.

Motion was made by Council Member Moreno, seconded by Council Member Real to approve Option 1 for the 2015 Holiday Schedule. Motion passed by the following vote to wit:

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

AUTHORIZE INTERIM CITY MANAGER TO SIGN AGREEMENT AMENDMENT WITH LEE & RO, INC. IN THE AMOUNT OF \$29,907 FOR COMPLIANCE CONSULTATION, ENGINEERING/ADMINISTRATIVE STAFF SERVICES FOR THE CITY OF CALEXICO SWRCB ORDER NO. 2013-001-DWQ, NPDES PERMIT NO. CA00004.

Acting City Manager Fenley explained the expense to the Council was due to it being left out of the contract when it was approved.

Motion made by Council Member Moreno to approve the Interim City Manager to sign agreement amendment with Lee & Ro, Inc. in the amount of \$29,907 for compliance consultation, engineering/administrative staff services of the City of Calexico SWRCB Order No. 2013-001-DWQ, NPDES Permit No. CA00004. Motion was seconded by Council Member Real for discussion.

Mayor Kim asked why this amendment had to be done. Acting City Manager Fenley explained a report was left out and now had to be brought back for approval.

Motion passed by the following vote to wit:

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

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

Assistant City Attorney Hargreaves stated this matter was before the Council at the past meeting. He stated the purpose is the City Clerk is appointed by the City Manager and this would provide for the City Council to appoint the City Clerk.

Motion was made by Council Member Castro, seconded by Council Member Real to introduce and waive first reading of an Ordinance of the City Council of the City of Calexico repealing Ordinance No. 1144 and amending Section 2.02.110 and Chapter 2.07 of the Calexico Municipal City Code regarding the appointment process and duties of the City Clerk. Motion passed by the following vote to wit:

AYES: Kim, Castro, Real
NOES: Moreno
ABSENT: Hurtado

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

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

No appointments were made. Item to be presented at the next meeting.

FUTURE AGENDA ITEMS

Council Member Real spoke about establishing the Senior Citizen Commission. Mayor Kim advised the commission still needs members from the senior citizen complexes. Council Member Real requested a report on EDA. He also requested to review and evaluate the commissions because there are too many commissions that are not meeting and possibly combining some of the commissions. He asked about a previous request for an item on water meter rate. He was informed Administration is working on this item.

Mayor Kim requested an item to that the Calexico Special Financing Authority consider funding for public restrooms and a sports facility.

Council Member Castro requested an update from the City Manager regarding the new insurance and to have the budget be placed on the agenda.

ADJOURNMENT

There being no further business, meeting was adjourned at 9:01 p.m.

Joong S. Kim, Mayor

ATTEST:

Gabriela T. Garcia, Deputy City Clerk

THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT SUCCESSOR AGENCY AND CALEXICO FINANCING AUTHORITY MET IN REGULAR SESSION ON THE 18TH DAY OF AUGUST, 2015 AT 6:30 P.M. AT THE FERNANDO "NENE" TORRES COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.

CLOSED SESSION- 5:46 P.M.

CALL TO ORDER.

The Closed Session portion of the agenda was called to order at 5:46 p.m. by Mayor Kim.

ATTENDANCE.

Mayor: Joong S. Kim
Mayor Pro Tem: Luis J. Castro
Councilwoman: Armando Real
Councilman: Maritza Hurtado
Councilman: John J. Moreno

The City Council convened into Closed Session at 5:46 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, Daryl Neal and Steve Parent
Negotiating Party: Susana and Bonifacio Favela
Under Negotiation: Price and Terms of Purchase
Govt. Code Section 54956.8
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 711 Cesar Chavez Blvd., Calexico, CA 92231; APN: 058-400-049
Agency Negotiators: Richard Warne, City Manager, Mark Austin, City Attorney, Daryl Neal and Steve Parent
Negotiating Party: Luis Humberto Barriga Rodriguez
Under Negotiation: Price and Terms of Purchase
Govt. Code Section 54956.8
3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 475 Cesar Chavez Blvd. Calexico, CA 92231-2128; APN: 058-400-012
Agency Negotiators: Richard Warne, City Manager, Mark Austin, City Attorney, Daryl Neal and Steve Parent
Negotiating Party: Jose and Martha Rodriguez
Under Negotiation: Price and Terms of Purchase
Govt. Code Section 54956.8

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
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, Daryl Neal and Steve Parent
Negotiating Party: Gasolineria Cesar Chavez, Inc.
Under Negotiation: Price and Terms of Purchase
Govt. Code Section 54956.8
5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 705 Cesar Chavez Blvd., Calexico, CA; 058-400-034 and 058-400-35
Agency Negotiators: City Manager, City Attorney, Daryl Neal and Steve Parent
Negotiating Party: Southern Pacific Co.
Under Negotiation: Price and Terms of Purchase
6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 420 Cesar Chavez Blvd., Calexico, CA 92231; APN: 058-400-045
Agency Negotiators: City Manager, City Attorney, Daryl Neal and Steve Parent
Negotiating Party: Allen Earley Trust
Under Negotiation: Price and Terms of Purchase
7. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
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 Purchase
8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
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, Daryl Neal and Steve Parent
Negotiating Party: Dollarmont Holdings
Under Negotiation: Price and Terms of Purchase
9. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 438 Grant Street, Calexico, CA 92231-2038; APN No.: 058-334-004
Agency Negotiators: City Manager, City Attorney, Daryl Neal and Steve Parent
Negotiating Party: Andres and Estela Garcia Trust
Under Negotiation: Price and Terms of Purchase
10. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 421 Cesar Chavez Blvd., Calexico, CA 92231-2101; APN: 058-400-013
Agency Negotiators: City Manager, City Attorney, Daryl Neal and Steve Parent
Negotiating Party: Pablo and Elaria Virgen Trust
Under Negotiation: Price and Terms of Purchase

11. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 555 Cesar Chavez Blvd., Calexico, CA 92231; APN No.: 058-400-006
Agency Negotiators: City Manager, City Attorney, Daryl Neal and Steve Parent
Negotiating Party: Hector Araujo
Under Negotiation: Price and Terms of Purchase

12. CONFERENCE WITH LABOR NEGOTIATORS

Agency Representatives: City Manager, City Attorney
Employee Organizations: Police Officers Association
(Govt. Code Section 54957.6).

13. CONFERENCE WITH LABOR NEGOTIATORS

Agency Representatives: City Manager, City Attorney
Employee Organizations: Fire Fighters Association
(Govt. Code Section 54957.6).

14. CONFERENCE WITH LABOR NEGOTIATORS

Agency Representatives: City Manager, City Attorney
Employee Organizations: Supervisors Association

15. CONFERENCE WITH LABOR NEGOTIATORS

(Govt. Code Section 54957.6
Title: Interim Chief of Police

16. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code 54957 (b)
Title: Interim City Attorney

17. PUBLIC EMPLOYEE APPOINTMENT

Government Code 54957 (b)
Title: Interim City Attorney/ City Attorney

18. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Govt. Code Section 54957 (B)
Title: City Manager

Maribel Padilla resident of Calexico comments on Items 15, 16, 17 and 18. Mrs. Padilla asks for the City Council to sign a contract to keep Police Chief Bostic. Mrs. Padilla asks the City Council to establish a permanent contract to keep Interim City Attorney. Mrs. Padilla expresses she no longer wants to see an agenda item for City Manager public employee performance evaluation.

Benjamin Horton comments on items 15, 16, 17 and 18. Mr. Horton wants City Council to sign contract with Police Chief Bostic. Mr. Horton asks for City Council to keep Interim City Attorney. Mr. Horton is against City Manager's constant public employee performance evaluations.

Javier Gonzalez, Calexico resident comments that since City Manager Warne has been hired he has seen an improvement in both Downtown Calexico and City Parks.

Victor Flores City of Calexico Police Officer asks City Council to not sign contract to keep Police Chief Bostic.

CLOSED SESSION ANNOUNCEMENTS.

City Attorney reported that Council met in closed session no reportable action was taken at this time.

CALEXICO CITY COUNCIL/CALEXICO REDEVELOPMENT SUCCESSOR AGENCY/CALEXICO FINANCING AUTHORITY REGULAR SESION

REGULAR MEETING-6:55 P.M.

CALL TO ORDER.

The regular meeting portion of the agenda was called to order at 6:55 p.m. by Mayor Kim and those present were led in the Pledge of Allegiance by Daniel Santillan.

ATTENDANCE.

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

APPROVAL OF AGENDA.

A motion was made by Councilmember Moreno, second by Councilmember Real and passed unanimously to approve the agenda as presented.

PRESENTATIONS.

PROCLAMATION OF BULLDOG FOOTBAL CENTENNIAL- SEPTEMBER 11, 2015.

Calexico City Council congratulates coaches, players and students along with their families for a successful century of football at Calexico High School and strong community support. Calexico City Council proclaims September 11, 2015 to be celebrated as the Calexico Bulldogs Football Centennial.

Calexico High School Principal Gabriela Williams was presented with an award and recognition by City Council for the great athletic department.

PRESENTATION BY KAYLA LACUESTA, CLINICAS DE SALUD DEL PUEBLO, WIC REGIONAL BREASTFEEDING LIASON REGARDING NATIONAL WIC BREASTFEEDING WEEK.

Item was pulled out from agenda.

REPORT ON STATUS OF JOINT SWIMMING POOL PROJECT (BULLDOG AQUATIC CENTER) BETWEEN THE CITY OF CALEXICO AND THE CALEXICO UNIFIED SCHOOL DISTRICT.

City Manager Warne provided a report and update on swimming pool project to City Council. Swimming pool facility is a three pool complex project. There is a competition pool with eight lanes, recreation pool and waiting pool. The project is a joint effort between Calexico Unified School District and the City of Calexico. Guiding the project is a pool committee. All plans and specifications for the project need to be approved by the state since the pool is on school property. This has already been done.

The project has been sent out to BID. BID came back with a higher pricing, project was over budget. Architect recommends that the multipurpose classroom be deleted from pool complex to remain on budget since it is not essential. Once the multipurpose room is deleted from the complex the School District should award BID for pool.

There was an issue about the project eliminating the multipurpose classroom and if it would still be funded by the state. The issue was resolved on August 10th. Another issue arose, if pool will meet the California Interscholastic Federation Standards for Competition. City Manager spoke with architect and architect assures competition pool meets standards, except the depth of the pool is four feet which meets minimum standards.

Councilmember Real is concerned with the depth of the swimming pool not meeting standards for competition.

Mayor Kim requests further information and documents about pool development and construction.

PUBLIC COMMENTS AND PUBLIC APPEARANCES.

Olivia Valenzuela, Calexico resident is concerned that the planning commission and the street department have overlooked Rockwood Avenue from South of Highway 98 up to 5th Street and is asking that this area be repaired and maintained.

John Romo, Calexico resident comments on the nonsmoking policy, residents want smoke free housing policy. Residents argue that private dwelling units are to remain smoke free because it is a private civil right.

Javier Gonzalez, Captain of Kennedy Gardens Neighborhood watch states there was a fire on a house at the corner of Robert Kennedy in the middle of the day and the first main fire hydrant did not work to put out the fire. The resident was burned and the house was totaled destroyed. Kennedy Garden residents want the City Council to assure residents all fire hydrants will be inspected and if need be replaced.

Maribel Padilla states there is a rumor that Mayor Kim wants to close Orthopedic Clinic and she is oppose the Orthopedic Clinic closing.

Norma Aguilar comments Measure H taxes are being spent by the City Council without the oversight of the Measure H Committee.

Silvia Bernal states that equipment for the Wellness Park has been shipped from Philadelphia and wants to thank City Council for collaborative support.

CITY COUNCIL COMMENTS AND REPORTS OF MEETINGS ATTENDED.

Councilman Moreno congratulates Captain Victor Montanez Marine Core Sergeant who was honored at the Dodger Stadium for his service and commitment. Councilman Moreno states he has met with members from IID to discuss park lighting. Councilman Moreno states he has met with investors interested in investing in Calexico.

Councilman Castro gives direction to City Manager Warne to work with the Heffernan Board to set proper shading in Wellness Park.

Councilwoman Hurtado congratulates Toastmasters Club. Councilwoman Hurtado attended the New River Committee meeting and gives direction for City Manager to support Executive Director through funding struggle. Councilwoman Hurtado attended Imperial County Transportation Commission meeting to discuss Cesar Chavez Street expansion and widening of Highway 98 for new port of entry.

Mayor Kim states he is disappointed of handling of swimming pool project. Mayor Kim clarifies that he went to Orthopedic Clinic to acknowledge and congratulate their work. Mayor Kim states he is disappointed on the manner by which City Councilmembers have canceled meetings.

CONSENT AGENDA.

Councilman Real requested Item 26 to be continued for next City Council meeting, second by Councilman Moreno and passed unanimously.

Motion was made by Councilman Real to approve the rest of the items in the agenda 22, 23, 24 and 25 as follows: Approval of City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Meetings of July 21, 2015, August 25, 2011, September 13, 2011, April 6, 2010, August 11, 2010, September 14, 2010, June 18, 2009, June 24, 2009, November 3, 2009, November 5, 2009 and November 17, 2009; Application for Alcoholic Beverage License for Gran Plaza Food Bazaar, Inc. , 888 W. 2nd Street, Calexico, CA 92231; Warrants from July 8, 2015 to July 22, 2015; Warrants from July 23, 2015 to August 4, 2015. Motion was second by Councilman Moreno and passed unanimously.

PUBLIC HEARING.

Public Hearing opened at 8:06 p.m.

ITEM NO. 27- Public Hearing of the City Council to consider the following:

- a) **Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of**

Portions of Property Located at 405 Grant Street, Calexico, California (APN 058-333-09) for the Purposes of the Cesar Chavez Boulevard Improvement Project.

- b) Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Property Located at 711 Cesar Chavez Boulevard, Calexico, California (APN 058-400-49) for the Purposes of the Cesar Chavez Boulevard Improvement Project.**
- c) Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Property Located at 475 & 477 Cesar Chavez Boulevard, Calexico, California (APN 058-400-012) for the Purposes of the Cesar Chavez Boulevard Improvement Project.**
- d) Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Property Located at 700 Cesar Chavez Boulevard/721-781 Railroad Boulevard & 438 Grant Street, Calexico, California (APN 058-334-002 & 058-334-005) for the Purposes of the Cesar Chavez Boulevard Improvement Project.**
- e) Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Property Located at 705 Cesar Chavez Boulevard, Calexico, California (APN 058-400-034 & 058-400-035) for the Purposes of the Cesar Chavez Boulevard Improvement Project.**
- f) Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Property Located at 420 Cesar Chavez Boulevard, Calexico, California (APN 058-400-045) for the Purposes of the Cesar Chavez Boulevard Improvement Project.**
- g) Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Property Located at 420 Cesar Chavez Boulevard/2nd Street, Calexico, California (APN 058-400-046, 058-400-047 & 058-400-023) for the Purposes of the Cesar Chavez Boulevard Improvement Project.**
- h) Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Property Located at 300 West 2nd Street, Calexico, California (APN 058-400-029) for the Purposes of the Cesar Chavez Boulevard Improvement Project.**

- i) Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Property Located at 438 Grant Street, Calexico, California (APN 058-334-004) for the Purposes of the Cesar Chavez Boulevard Improvement Project.**

- j) Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Property Located at 421 Cesar Chavez Boulevard, Calexico, California (APN 058-400-013) for the Purposes of the Cesar Chavez Boulevard Improvement Project.**

City attorney briefed Council on Item 27 A-J. The City of Calexico is at the last phase of Cesar Chavez Boulevard improvement project approved by City Council on June 2013. Improvement project entails widening Cesar Chavez Boulevard to accommodate the expansion of the new Port of Entry. There are ten resolutions put before City Council to authorize the City to initiate eminent domain proceedings to acquire portions of the parcels that are identified in the staff reports. The City is not proposing to take the entirety of any of these parcels, just small slivers to allow for the widening of Cesar Chavez Boulevard. Negotiations have not resulted in agreement to purchase properties. As a result, there is a need to initiate eminent domain proceedings to stay on current time table for the expansion project. After Resolutions are approved the negotiations to acquire properties will continue. There are four findings set forth in the Resolution that have to be made: 1) Public interest and necessity required the project for which the property is proposed to be acquired; 2) That the project is planned in a matter that creates the greatest public good and the least private injury; 3) That the property proposed be acquired as necessary for the project; 4) The offer required by the government code has been made by the owner of record. We are proposing as one action all of these Resolutions to be adopted and a forfeit vote is required for that.

Martha Rodriguez, Calexico business property owner, states there is no traffic light mapped to be placed on Cesar Chavez and Fifth Street. Cesar Chavez Boulevard widening project is not conducive to business. Mrs. Rodriguez states she is being offered minimum compensation for her property and the value of her property is much higher.

Mr. Kim, Manager from Altamount Holdings, property located on 2nd Street and Cesar Chavez Boulevard states he is being offered five dollars per square feet, but property in downtown commercial area is appraised for 25 to 45 dollars per square feet. Mr. Kim is willing to negotiate price of property to ten dollars per square feet. Mr. Kim states he has hired his own appraiser and has values of appraised property as supporting evidence.

Javier Gonzalez, Finance Commissioner Member states residents have the right to get their won appraisal and have the City of Calexico reimburse expenditures incurred up to 5,000 dollars.

No persons spoke against.

No persons spoke in favor.

Public Hearing Close at 8:20 p.m.

Councilmember Castro states Cesar Chavez Boulevard project is hurting businesses. Councilmember is against development unless fair compensation is given to property owners for their properties.

Councilwoman Hurtado states that it is the right for each city government to exercise eminent domain. Councilman Hurtado states progress cannot be stopped and unfortunately some property owners will have to experience losses for the benefit of a greater good which is the development of the new port of entry.

City Attorney clarifies that Resolutions allow the City of Calexico to initiate the process of eminent domain through the filing of lawsuits and the separate process of property negotiations will still continue.

A motion was made by Councilman Real to approve, Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Property, motion was second by Councilmember Moreno and passed by the following vote to wit:

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

DISCUSSION AND POTENTIAL ACTION ITEMS.

REQUEST BY UNITED WAY OF IMPERIAL COUNTY FOR CITY COUNCIL SPONSORSHIP FOR THE SIXTH ANNUAL KICK-OFF BREAKFAST ON SEPTEMBER 16, 2015.

Motion by Councilmember Real to not approve, Request by United Way of Imperial County for City Council sponsorship for the sixth annual kick-off breakfast on September 16, 2015, second by Councilmember Moreno and passed unanimously.

COUNCILMEMBER REAL AGENDA ITEM REQUEST: DONATION TO MEXICAN CONSULATE FOR MEXICAN INDEPENDENCE DAY.

Councilmember Real states appointed Consul Carlos Vizcarra approached him requesting aid in hosting the Mexican Independence Day Celebration for September 16th. The entire event will cost 15,000 dollars and the Consul is short in funding 3,000 dollars. The event is for all residents of Calexico who wish to attend.

Manuel Yanez, Calexico resident states that all requests for donations should be approved by the City Council not by the City Manager.

Councilwoman Hurtado states the Mexican Consul approached each City Council member separately asking for support. Councilwoman Hurtado states it is important for residents to stop accusations against City Manager.

Mayor Kim opposes donation to Mexican Consul.

A motion was made by Councilman Real to approve, Donation to Mexican Consulate for Mexican Independence Day, second by Councilmember Moreno and passed by the following vote to wit:

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

ATTENDANCE REPORT FOR COMMISSIONS, BOARDS AND COMMITTEES.

Councilmember Moreno appoints Lina Cardenas for the Economic Development Commission.

Mayor Kim appoints Jason Jung for the Planning Commission.

Being that no other Councilmember had appointments Item was placed for continuance for next Council meeting.

MAYOR KIM AGENDA ITEM REQUEST: APPOINTMENT BY MAYOR OF A HEARING OFFICER

Mayor Kim appointed Iran Martinez as Hearing Officer.

MAYOR KIM AGENDA ITEM REQUEST: MAYOR'S APPOINTMENT TO CENTINELA STATE PRISON CITIZEN ADVISORY COMMITTEE.

Mayor Kim appoints Javier Gonzalez to be part of the Centinela State Prison Citizen Advisory Committee.

MAYOR KIM AGENDA ITEM REQUEST: MAYOR'S APPOINTMENT TO THE OVERSIGHT BOARD FOR THE CALEXICO COMMUNITY REDEVELOPMENT AGENCY SUCCESOR AGENCY.

Mayor Kim appoints Councilmember Armando Real to the Oversight Board for the Calexico Community Redevelopment Agency Successor Agency.

APPOINTMENT BY CITY COUNCIL OF RESIDENT COMMISSIONER TO THE CALEXICO HOUSING AUTHORITY BOARD.

Motion by Councilmember Moreno to appoint Daniel Santillan to Calexico Housing Authority Board, second by Councilmember Moreno and passed unanimously.

INTRODUCE AND WAIVE FIRST READING OF ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO ADDING CHAPTER 8.47 TO TITLE 8- "HEALTH AND SAFETY"-OF THE CALEXICO MUNICIPAL CODE, PROHIBITING SMOKING IN AND AROUND MULTI-UNIT RESIDENCES.

Direction was given to City Attorney to bring back Ordinance with revisions to only include restrictions to public multi-unit residences for next City Council meeting.

INTRODUCE AND WAIVE FIRST READING OF ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO ADDING CHAPTER 8.47 TO TITLE 8 PERTAINING TO HOOKAH PARLORS.

Motion by Councilmember Moreno to Approve first reading by title only and waive full reading of Ordinance of the City Council of the City of Calexico adding Chapter 8.47 to title 8, second by Mayor Kim and passed unanimously.

MAYOR KIM AGENDA ITEM REQUEST: CITY COUNCIL DISCUSSION AND DIRECTION REGARDING PURCHASING AUTHORITY FOR CITY MANAGER.

A motion was made by Councilmember Real to bring back Ordinance for next City Council meeting regarding the purchasing authority for City Manager, second by Councilmember Castro and passed by the following vote to wit:

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

MAYOR KIM AGENDA ITEM REQUEST: DISCUSSION AND POSSIBLE ACTION REGARDING FUTURE AGENDA ITEMS.

A motion was made by Councilmember Moreno to deny Discussion and Possible Action Regarding Future Agenda Items, second by Councilwoman Hurtado and failed to pass by the following vote to wit:

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

INFORMATION ITEMS.

STATUS UPDATE ON REVIEW OF SIGN ORDINANCES.

Item was not discussed in meeting.

ADJOURNMENT.

There being no further business, meeting was adjourned at 10:38 p.m.

Joong S. Kim, Mayor

Attest:

Erica LaCuesta, Deputy City Clerk

THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY SUCCESSOR AGENCY/CALEXICO FINANCING AUTHORITY MET IN REGULAR SESSION ON THE 15TH DAY OF SEPTEMBER 2015 AT 6:30 P.M. AT THE FERNANDO “NENE” TORRES COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.

CALL TO ORDER:

Mayor Kim called the meeting to order at 6:44 p.m.

ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Mr. Joe Vindiola led those present in the Pledge of Allegiance.

INVOCATION:

Daniel Bañuelos, Sendero de la Cruz, gave the invocation to those present at the Council meeting.

APPROVAL OF AGENDA:

Mr. Hargreaves recommended that the Council continue the agenda items until after tomorrow’s special meeting given that the City does not have an Acting City Manager to respond to the items.

Mayor made a motion to adjourn all items on the agenda with the exception of public comments until after the special meeting of September 16, 2015. Motion was seconded by Council Member Real. Motion passed unanimously.

PUBLIC COMMENTS:

Jason Jung spoke about the Planning Commission meeting and how staff did notify the merchants as previously told and he was advised him he would receive paperwork today on signage and staff did not have the paperwork. He stated the staff is incompetent and they are not communicating with the public as they were told. He also commented on Council Member Hurtado’s comment that he was the cause of everything.

Council Member Hurtado asked Mr. Jung what he was referring to in his comment.

Assistant City Attorney Hargreaves advised that Council not become engaged in the conversation.

Mr. Jung commented on the water bills and how the rules have changed without going to Council and he felt there was no transparency. Mr. Jung served the entire Council with a legal document.

Luis Casillas, directed his comments to the Council and stated that it has been the year that he was escorted out of the City and Police Department and how Chief Bostic accused them and stated having stacks of evidence. He further commented there was no evidence, no investigation and how this was a plot directed by Council Member Hurtado, Mr. Warne and asked for evidence and facts.

Maribel Padilla commented on equal treatment for speakers and on process for submitting forms for public speaking. She questioned why the mayor changed the rules for Mr. Casillas. She asked that the people follow the rules for speaking and that it be equal to everyone.

Daniel Romero commented on firing of Richard Warne. He spoke about the Joint Powers Insurance Authority issue and formally submitted his resignation as Planning Commissioner.

Assistant City Attorney Hargreaves clarified that the City Manager was not fired, he was placed on administrative leave.

Council Member Real left the Council Chambers at 7:05 p.m.

Armando Martinez stated the Council needs to behave as adults and felt that there was no need for a pledge and an invocation by a pastor when the Council gives a show and the meeting becomes a war and elevates our presence to those who like fights. He stated it was rude for insults to exist in chambers and people should not disrespect others plus time is lost and session is not productive.

Council Member Hurtado stated the City has been going through many issues which are viewed as splitting the community and the different agendas. Council Member Hurtado also commented on issues with the improprieties in the Police Department that needed to be investigated and the intentions on firing the City Manager and hiring of the City Attorney. Council Member Hurtado referred to a flyer provided to the public on questions for Council Member Real.

Council Member Real returned to Council Chambers at 7:10 p.m.

Council Member Hurtado asked Council Member Real to answer the questions asked in the flyer provided to the public.

Council Member Real apologized for the tantrums in chambers.

Council Member Castro called for a point of order.

Council Member Real commented on his run for Council and not knowing he would be the swing vote and he stated he votes as he wants.

Mayor Kim asked Chief Bostic that when he calls on him to remove someone from Chambers to respond. Chief Bostic stated he would if it does not break the law.

Council Member Real spoke on legal document served on the Council for the recall of all five council members. He spoke about the process and about the groups supporting the council members because believe in them and how the current situation cannot continue and therefore he started the recall. He stated he never commented and insulted anyone on the Council Member or person before he was elected. He stated he ran for office to make a difference.

Council Member Moreno stated he was ashamed and shocked at all that has been going on with the Council and the way the City looks at them. He stated the city continues to be the laughing stock. He felt the petition submitted to the Council was preposterous and felt that the Council is able to work together. He further commented on the City Manager being on administrative leave, the Interim City Manager, recruitment of a new City Manager and how meanwhile, City business and agenda items are at a standstill. He spoke about respecting the Council Members even though at times it is difficult and awkward. Council Member Moreno apologized to the citizens for having to witness what goes on and even if we have hit a bump in the road and we can move on.

Mayor Kim spoke about the compa system that controls the City for over twenty years and the revenge that makes people quiet.

Council Member Hurtado left the Council Chambers at 7:20 p.m.

Mayor Kim stated all other cities are growing but no Calexico is not growing. He spoke about the population not growing and how businesses are not growing. He stated a group should not take over benefit of the citizens. He stated he does not support the compa system and he represents the hardworking families in Calexico.

Council Member Moreno left the meeting at 7:21 p.m.

ADJOURNMENT

Mayor Kim continued the meeting at 7:23 p.m. until September 16, 2015 after the closed session meeting beginning at 6:30 p.m.

THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY SUCCESSOR AGENCY/CALEXICO FINANCING AUTHORITY MET IN SPECIAL SESSION ON THE 15TH DAY OF SEPTEMBER 2015 AT 5:00 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.

CALL TO ORDER:

Mayor Kim called meeting to order at 5:05 p.m.

ROLL CALL:

PRESENT:

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

ABSENT:

Council Member: John M. Moreno
Councilman Moreno arrived at 5:11 p.m.

Council Member Hurtado asked Assistant City Attorney Robert Hargrave if she had the right to record closed session.

Assistant City Attorney Hargrave stated it is possible and cautioned Council Member Hurtado on the recording and the use of the recording and the confidentiality of the closed session her, advised her of caution probably could and confidentiality with regards to the content.

City Manager Warne advised the Council that Councilman Moreno called that he would be a little late to the meeting.

CLOSED SESSION

Council convened in closed 5:08 p.m. to discuss the following:

EMPLOYEE PERFORMANCE EVALUATION (Gov. Code 54957(b))

Assistant City Attorney Hargreaves reported the City Council took action to place City Manager Warne on paid administrative leave, directed the City Manager to leave the premises, authorized the issuance of a 30 day Notice of Intent to Terminate and advised City Manager not to have any contact with City Staff. City Council took action by the following vote:

AYES: Kim, Castro, Real
NOES: Hurtado, Moreno

ADJOURNMENT:

There being no further business, meeting was adjourned at 6:11 p.m.

Joong S. Kim, Mayor

ATTEST:

Gabriela T. Garcia, Deputy City Clerk

THE CITY COUNCIL/RDA BOARD MET IN SPECIAL SESSION ON THE 23RD DAY OF SEPTEMBER, 2008 AT 6:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.

CLOSED SESSION.

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

ATTENDANCE.

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

The City Council convened into Closed Session at 5:30 p.m. to discuss the following: Conference with Legal Counsel anticipated litigation-significant exposure to litigation pursuant to Section 54956.9 (b)(3)(A) of the Government Code (1 case).

The City Council reconvened from Closed Session at 6:05 p.m. and took no reportable action direction was given.

SPECIAL MEETING – 6:00 P.M.

CALL TO ORDER.

The regular meeting was called to order at 6:08 p.m. by Mayor Pro Tem D. Ouzan and those present were led in the Pledge of Allegiance.

ATTENDANCE. (Ouzan, Moreno, Castro, Romero. Absent, Fuentes)

APPROVAL OF AGENDA.

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

APPROVAL OF RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO ACTING AS THE LEGISLATIVE BODY OF ITS COMMUNITY FACILITIES DISTRICTS AUTHORIZING COLLECTION OF SPECIAL TAXES PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND RELATED MATTERS.

Ms. Megan Watts, Attorney gave an overview of the resolution and stated this resolution gives the Finance Director authority to execute a certificate to collect the taxes.

Councilman Moreno stated they need to move forward to protect the city and its citizens.

Councilman Romero stated this is a situation they need to move forward on, the decision is difficult but it needs to be made.

Councilman Castro stated they have no option and they need to move forward.

Mayor Pro Tern Ouzan stated he hopes the residents do not feel mistreated and they will begin the foreclosures. The Council discussed in closed session the matters of litigation. They need to move forward with the resolution to protect the city and its residents.

A motion was made by Councilman Romero, seconded by Councilman Moreno to adopt the next resolution of the City Council of the City of Calexico acting as the legislative body of its community facilities district authorizing the collection of special taxes pursuant to the Mello-Roos community facilities act of 1982 and related matters. Voting was as follows:

AYES:	Castro, Romero, Ouzan, Moreno
NOES:	None
ABSTAINED:	None
ABSENT:	Fuentes

ADJOURNMENT

There being no further business the meeting adjourned at 6:15p.m.

Louis Fuentes, Mayor

Attest:

Lourdes Cordova, City Clerk

**AGENDA
ITEM**

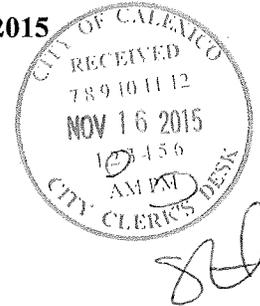
5

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
34-160 GATEWAY DR.
STE 120
PALM DESERT, CA 92211
(760) 324-2027

File Number: **563787**
Receipt Number: **2328970**
Geographical Code: **1302**
Copies Mailed Date: **November 5, 2015**
Issued Date:



DISTRICT SERVING LOCATION: **PALM DESERT**
First Owner: **AI CALIFORNIA LLC**
Name of Business: **ALDI**
Location of Business: **2450 ROCKWOOD AVE
CALEXICO, CA 92231-4403**

County: **IMPERIAL**
Is Premise inside city limits? **Yes** Census Tract **0119.00**

Mailing Address: **12661 ALDI PL**
(If different from premises address) **MORENO VALLEY, CA 92555-6703**

Type of license(s): **20**

Transferor's license/name: **489349 / KENNEDYS MARKET INCORPORATED** Dropping Partner: Yes No

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
20 - Off-Sale Beer And Win	ANNUAL FEE	NA	Y	0	11/05/15	\$254.00
20 - Off-Sale Beer And Win	PREMISE TO PREMISE TRANSFER	NA	Y	0	11/05/15	\$100.00
20 - Off-Sale Beer And Win	PERSON-TO-PERSON TRANSFER	NA	Y	0	11/05/15	\$50.00
Total						\$404.00

Have you ever been convicted of a felony? **No**
Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**
Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of IMPERIAL Date: November 5, 2015

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

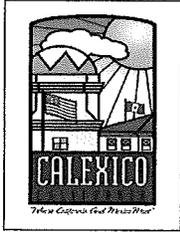
Applicant Signature(s)

AI CALIFORNIA LLC

See 211 Signature Page

**AGENDA
ITEM**

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AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Eduardo Gutierrez, Acting Finance Director 

SUBJECT: Warrants from November 1, 2015 to November 15, 2015
And City Salaries & Benefits from October 30, 2015 to
November 12, 2015

=====

Recommendation:

Approve the Affidavit of Warrants from November 1, 2015 to November 15, 2015
City Salaries & Benefits from October 30, 2015 to November 12, 2015.

Background:

The City Council approves the City Manager's Affidavit of Warrants.

Discussion & Analysis:

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

Fiscal Impact:

Total disbursement is \$ 814,713.80. Included on this amount:
\$ 251,064.55 for warrants from 11/1/15-11/15/15
\$ 563,649.25 for city salaries and benefits from 10/30/15-11/12/15

Coordinated With:

All Departments.

Attachment:

Acting Finance Director's Affidavit of Warrants for November 1, 2015 to
November 15, 2015 and City Salaries & Benefits from October 30, 2015 to
November 12, 2015.





City of Calexico

Finance Department

608 HEBER AVENUE

• CALEXICO, CA 92231

• (760) 768-2130

AFFIDAVIT

I, EDUARDO GUTIERREZ, ACTING FINANCE DIRECTOR do hereby declare and certify that the claims against the City of Calexico are from November 1, 2015 to November 15, 2015, and City Salaries & Benefits are from October 30, 2015 to November 12, 2015 totalling in the amount of \$ 814,713.80 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: _____

11/19/15

BY: _____

Eduardo Gutierrez
Acting Finance Director



ACCOUNTS PAYABLE
11/01/2015- 11/15/2015

check number	check date	vendor no.	vendor name	amount	description
10263	11/2/2015	11242	CUELLAR JOSE	\$ 90.00	LIB-MEAL EXPENSE FOR VETERANS CONNECT TRAINING AT PASADENA CA ON
				TOTAL: \$ 90.00	
10264	11/2/2015	10563	MORALES RALPH	\$ 15.00	BKDG-MEAL EXPENSE FOR ATTENDING TRAINING AT RANCHO CUCAMONGA CA
				TOTAL: \$ 15.00	
10265	11/2/2015	10814	TAULER SANDRA	\$ 90.00	LIB-MEAL EXPENSE FOR VETERANS CONNECT TRAINING AT PASADENA CA ON
				TOTAL: \$ 90.00	
10266	11/3/2015	11235	ALVAREZ LIZBETH	\$ 110.00	LIB-MEAL EXPENSE FOR ATTENDING PRE-LITERACY CONF IN PASADENA CA
				TOTAL: \$ 110.00	
0	11/6/2015	10103	BIESCO	\$ 490.04	V. DEPTS- MO. SERVICE AGREEMENT ON CITY RICOH COPIERS AND PARTS
0	11/6/2015	10103	BIESCO	\$ 298.99	V. DEPTS- MO. SERVICE AGREEMENT ON CITY RICOH COPIERS AND PARTS
0	11/6/2015	10103	BIESCO	\$ 41.15	V. DEPTS- MO. SERVICE AGREEMENT ON CITY RICOH COPIERS AND PARTS
0	11/6/2015	10103	BIESCO	\$ 899.24	V. DEPTS- MO. SERVICE AGREEMENT ON CITY RICOH COPIERS AND PARTS
0	11/6/2015	10103	BIESCO	\$ 110.58	V. DEPTS- MO. SERVICE AGREEMENT ON CITY RICOH COPIERS AND PARTS
0	11/6/2015	10103	BIESCO	\$ 112.55	V. DEPTS- MO. SERVICE AGREEMENT ON CITY RICOH COPIERS AND PARTS
0	11/6/2015	10103	BIESCO	\$ 82.62	V. DEPTS- MO. SERVICE AGREEMENT ON CITY RICOH COPIERS AND PARTS
0	11/6/2015	10103	BIESCO	\$ 256.80	V. DEPTS- MO. SERVICE AGREEMENT ON CITY RICOH COPIERS AND PARTS
0	11/6/2015	10103	BIESCO	\$ 92.89	V. DEPTS- MO. SERVICE AGREEMENT ON CITY RICOH COPIERS AND PARTS
0	11/6/2015	10103	BIESCO	\$ 211.68	V. DEPTS- MO. SERVICE AGREEMENT ON CITY RICOH COPIERS AND PARTS
				TOTAL: \$ 2,596.54	
0	11/6/2015	10185	CHEMTRADE CHEMICALS US.LLC	\$ 3,006.17	WP-CHEMICALS SLUM SULFATE LIQ.STD
0	11/6/2015	10185	CHEMTRADE CHEMICALS US.LLC	\$ 3,077.18	WP-CHEMICALS SLUM SULFATE LIQ.STD
				TOTAL: \$ 6,083.35	
0	11/6/2015	10500	KRONOS INC	\$ 737.10	CITYS TIME CLOCK-WORKFORCE READY SOFTWARE USAGE FEE FOR SEPTEMBE
				TOTAL: \$ 737.10	
0	11/6/2015	10661	POSITIVE PROMOTIONS INC.	\$ 929.70	MATERIALS FOR LIBRARY PROGRAMS
				TOTAL: \$ 929.70	
0	11/6/2015	10999	COMPUTER FORENSICS INTERNATIONAL	\$ 9,666.99	PD-FORENSIC AUDITS FOR VARIOUS INTERNAL INVESTIGATIONS 8-2-15 TO
0	11/6/2015	10999	COMPUTER FORENSICS INTERNATIONAL	\$ 7,915.71	PD-FORENSIC AUDITS FOR VARIOUS INTERNAL INVESTIGATIONS 9-7-15 TO
0	11/6/2015	10999	COMPUTER FORENSICS INTERNATIONAL	\$ 8,378.30	PD-FORENSIC AUDITS FOR VARIOUS INTERNAL INVESTIGATIONS 8-25-15 T
				TOTAL: \$ 25,961.00	
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 159.49	TRAFFIC CONTROL-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIA
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 330.24	PD-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIAL NO. 7A1516L
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 55.00	TRAFFIC CONTROL-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIA
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 55.00	TRAFFIC CONTROL-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIA
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 67.69	TRAFFIC CONTROL-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIA
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 330.24	PD-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIAL NO. 7A1513L

check number	check date	vendor no.	name	amount	description
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 27.50	PD-REPAIR PATROL VEHICLE LIGHTS UNIT NO. 521
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 159.49	TRAFFIC CONTROL-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIA
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 67.69	TRAFFIC CONTROL-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIA
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 67.69	TRAFFIC CONTROL-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIA
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 111.42	PD-SERVICE AND REPAIR PATROL RADIO ON FOR CROWN VICTORIA UNIT NO
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 55.00	TRAFFIC CONTROL-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIA
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 245.00	PD-INSTALL OF STROBE LIGHTS TO DODGE CHARGER UNIT NO. 551
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 67.69	TRAFFIC CONTROL-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIA
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 1,198.00	PD-MO. MAINTENANCE ON PORTABLE RADIOS FOR OCTOBER 2015
10267	11/6/2015	10038	AIRWAVE COMMUNICATIONS - IMP	\$ 129.00	PD-SERVICE AND REPAIR MOTOROLA PORTABLE RADIO SERIAL NO. 018TNW2
				TOTAL: \$ 3,126.14	
			APPLIED INDUSTRIAL TECHNOLOGIES-CA		
10268	11/6/2015	10071	LLC	\$ 1,422.62	WWTP-10 MISC RUBBER 1/2 NEOPRENE 48X18 AND 30MISC RUBBER 1/8 NEO
				TOTAL: \$ 1,422.62	
10269	11/6/2015	10912	ARAMBULA MARICELA	\$ 329.95	CAC-ART RECEPTION REFRESHMENTS
				TOTAL: \$ 329.95	
10270	11/6/2015	10081	AT&T	\$ 120.15	PD- MO. SERVICE OCT 7-NOV 6 ACCT NO. 235-251-1083-159-0
				TOTAL: \$ 120.15	
10271	11/6/2015	10964	AT&T	\$ 684.16	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
10271	11/6/2015	10964	AT&T	\$ 298.74	CITY CLERK- ACCT NO. 7607686028586 BILLING SRVS 9-4-15 TO 10-03-
10271	11/6/2015	10964	AT&T	\$ 865.07	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
10271	11/6/2015	10964	AT&T	\$ 80.54	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
10271	11/6/2015	10964	AT&T	\$ 380.77	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
10271	11/6/2015	10964	AT&T	\$ 402.87	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
10271	11/6/2015	10964	AT&T	\$ 269.81	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
10271	11/6/2015	10964	AT&T	\$ 121.42	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
10271	11/6/2015	10964	AT&T	\$ 831.95	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
10271	11/6/2015	10964	AT&T	\$ 1,237.70	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
10271	11/6/2015	10964	AT&T	\$ 954.97	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
10271	11/6/2015	10964	AT&T	\$ 36.65	V.DEPTS - MO. SERVICE 9-4-15 TO 10-03-15 ACCT NO. C60222110
				TOTAL: \$ 6,164.65	
10272	11/6/2015	10094	BAKERSFIELD PIPE AND SUPPLY INC	\$ 3,719.50	WP-PARTS TO REPLACE CLARIFIER C WASTE VALVE BROKEN
				TOTAL: \$ 3,719.50	
10273	11/6/2015	10131	CALEXICO CHRONICLE	\$ 540.00	LEGAL PUB-ORDINANCE NO. 1165 ON OCT.15 AND OCT.29
				TOTAL: \$ 540.00	
10274	11/6/2015	10688	CASTANEDA & ASSOCIATES	\$ 8,882.50	SUSTAINABLE COMMUNITIES PLANNING GRANT- SEPTEMBER 2015
				TOTAL: \$ 8,882.50	
10275	11/6/2015	10194	CITY OF CALEXICO PETTY CASH	\$ 56.52	FIN-REPLENISH PETTY CASH
10275	11/6/2015	10194	CITY OF CALEXICO PETTY CASH	\$ 539.68	FIN-REPLENISH PETTY CASH
10275	11/6/2015	10194	CITY OF CALEXICO PETTY CASH	\$ 12.28	FIN-REPLENISH PETTY CASH
10275	11/6/2015	10194	CITY OF CALEXICO PETTY CASH	\$ 15.00	FIN-REPLENISH PETTY CASH

check number	check date	vendor no.	name	description	amount
10275	11/6/2015	10194	CITY OF CALEXICO	FIN-REPLENISH PETTY CASH	\$ 219.37
10275	11/6/2015	10194	CITY OF CALEXICO	FIN-REPLENISH PETTY CASH	\$ 178.53
10275	11/6/2015	10194	CITY OF CALEXICO	FIN-REPLENISH PETTY CASH	\$ 75.00
10275	11/6/2015	10194	CITY OF CALEXICO	FIN-REPLENISH PETTY CASH	\$ 57.23
10275	11/6/2015	10194	CITY OF CALEXICO	FIN-REPLENISH PETTY CASH	\$ 566.00
10275	11/6/2015	10194	CITY OF CALEXICO	FIN-REPLENISH PETTY CASH	\$ 275.00
10275	11/6/2015	10194	CITY OF CALEXICO	FIN-REPLENISH PETTY CASH	\$ 41.34
10275	11/6/2015	10194	CITY OF CALEXICO	FIN-REPLENISH PETTY CASH	\$ 104.00
10275	11/6/2015	10194	CITY OF CALEXICO	FIN-REPLENISH PETTY CASH	\$ 45.00
				TOTAL:	\$ 2,184.95
			CONSOLIDATED ELECTRICAL DISTRIBUTORS		
10276	11/6/2015	11243	INC	PD-80 FLOUR LAMPS ACCT NO. LB-00014	\$ 319.90
				TOTAL:	\$ 319.90
10277	11/6/2015	10244	CURTIS ROADRUNNER	CITY HALL BUILDING KEY REPLACEMENT	\$ 2,831.60
10277	11/6/2015	10244	CURTIS ROADRUNNER	WP AND WWTP- KEY REPLACEMENT	\$ 222.32
10277	11/6/2015	10244	CURTIS ROADRUNNER	WP AND WWTP- KEY REPLACEMENT	\$ 222.33
				TOTAL:	\$ 3,276.25
10278	11/6/2015	10270	DEPT OF TRANSPORTATION	ST-SIGNALS AND LIGHTING BILLING JUL. 2015 THRU SEPT.2015	\$ 8,959.68
				TOTAL:	\$ 8,959.68
10279	11/6/2015	10298	EASTON AVIATION LLC	AIRPORT-3 DURACHART PHOENIX SECTIONAL	\$ 16.72
10279	11/6/2015	10298	EASTON AVIATION LLC	AIRPORT- 2 WORLD AERONAUTICAL CHARTS	\$ 16.50
				TOTAL:	\$ 33.22
10280	11/6/2015	10319	ERM-WEST INC	NEW RIVER IMPROVEMENT-SERVICES FROM 8-30-15 THRU 10-3-15 PROJEC	\$ 20,109.46
				TOTAL:	\$ 20,109.46
10281	11/6/2015	10327	ET&MS INC	WTP-STOCK REPLACEMENT CONTROL PARTS FORRAW WATER RESERVOIR	\$ 980.00
				TOTAL:	\$ 980.00
10282	11/6/2015	10338	FEDERAL EXPRESS CORPORATION	CM-FEDEX SHIPPING CHARGES ACCT NO. 1234-9831-3	\$ 59.42
				TOTAL:	\$ 59.42
10283	11/6/2015	10157	FORENSIC DRUG TESTING SERVICES INC.	OCTOBER 2015 DRUG PREVENTION PROGRAM	\$ 49.00
10283	11/6/2015	10157	FORENSIC DRUG TESTING SERVICES INC.	MAINTENANCE FEE	\$ 10.00
				TOTAL:	\$ 59.00
10284	11/6/2015	11244	FORENSIC TECHNOLOGIES INC.	PD PRE-EMPLOYMENT POLYGRAPH EXAMINATION- SEPTEMBER 2015	\$ 1,400.00
10284	11/6/2015	11244	FORENSIC TECHNOLOGIES INC.	PD PRE-EMPLOYMENT POLYGRAPH EXAMINATION-OCTOBER 2015	\$ 1,000.00
				TOTAL:	\$ 2,400.00
10285	11/6/2015	10365	FRONTIER	WWTP-EQUIPMENT MAINTENANCE	\$ 625.63
				TOTAL:	\$ 625.63
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	SENIOR PROG/TEMP EMPLOYMENT SRVS-AGING REPORT OF 10/30/15	\$ 464.85
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	LIB/TEMP EMPLOYMENT SRVS.-AGING REPORT OF 10/30/15	\$ 518.40
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	FIN/TEMP. EMPLOYMENT SRVS-AGING REPORT OF 10/30/15	\$ 1,259.69
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	CM/TEM EMPLOYMENT SRVS AGING REPORT OF 10/30/15	\$ 799.26
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	CITY HALL (JANITORS)/TEMP EMP-AGING REPORT 10/30/15	\$ 496.66

check number	check date	vendor no.	name	amount	description
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 1,365.30	PD-CLERKS DISPATCHERS/TEMP.EMP AGING REPOHGR T OF 10/30/15
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 1,051.20	WTR/DIST/TEMP EMPLOYMENT SRVS-AGING REPORT OF 10/30/15
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 3,547.80	ST. DIV/TEMP. EMPLOYMENT SRVS.-AGING REPORT OF 10/30/15
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 560.00	HOUSING/TEM EMPLOYMENT SRVS-AGING REPORT OF 10/30/15
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 511.20	LIB-LITERACY/TEMP.EMP SRVS-AGING REPORT OF 10/30/15
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 1,200.80	REC/TEMP.EMPLOYMENT SRVS.-AGING REPORT OF 10/30/15
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 657.90	REC INSTR/TEMP. EMPLOYMENT SRV-AGING REPORT OF 10/30/15
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 888.31	ENG/TEMP EMPLOYMENT SRVS-AGING REPORT OF 10/30/15
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 3,876.30	PARKS/TEMP.EMPLOYMENT SRVS.-AGING REPORT OF 10/30/15
10286	11/6/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 3,250.08	PD-PARKING/TEMP.EMPLOYMENT SRV AGING REPORT OF 10/30/15
				TOTAL: \$ 20,447.75	
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 27.00	CITY HALL - 608 HEBER AVE
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 48.00	ANIMAL SHELTER - 292 W. 2ND ST
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 144.00	SEWER PLANT - 298 WEST 2ND ST
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 19.00	CITY HALL - 608 HEBER AVE
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 24.00	FIRE DEPT STATION 1- 430 EAST 5TH ST
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 19.00	CUSTOMER SERVICE DEPT- 608 HEBER AVE
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 218.00	WATER - 545 PIERCE AVE
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 48.00	ANIMAL SHELTER - 292 W. 2ND ST
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 52.00	WATER - 503 SAM ELLIS
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 42.00	AIRPORT - 801 WEST 2ND
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 52.00	WATER - 1650 COLE RD
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 84.00	PUBLIC WORKS DEPT.- 549 PIERCE AVE
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 35.00	PARKS - 100 PAULIN
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 48.00	POLICE - 420 EAST 5TH ST
10287	11/6/2015	10434	IV TERMITE & PEST CONTROL INC	\$ 26.00	FIRE DEPT STATION 2-900 GRANT
				TOTAL: \$ 886.00	
10288	11/6/2015	10455	IMPERIAL VALLEY PAINT CENTER	\$ 1,396.71	GLASS BEADS 50LB - CROSS WALKS PAINT
				TOTAL: \$ 1,396.71	
10289	11/6/2015	10456	IMPERIAL VALLEY PRESS	\$ 200.00	BID-ADVERTISEMENT FOR BACK TO SCHOOL
10289	11/6/2015	10456	IMPERIAL VALLEY PRESS	\$ 115.00	BID-ADVERTISEMENT FOR BACK TO SCHOOL
10289	11/6/2015	10456	IMPERIAL VALLEY PRESS	\$ 200.00	BID-ADVERTISEMENT FOR BACK TO SCHOOL
10289	11/6/2015	10456	IMPERIAL VALLEY PRESS	\$ 276.86	LEGAL PUB 10-02-15-PW DEPT REQUEST FOR PROPOSALS FOR SERVICE ARE
10289	11/6/2015	10456	IMPERIAL VALLEY PRESS	\$ 539.87	LEGAL PUB 10-09-15-MITIGATED NEGATIVE DECLARATION FOR NEW RIVER
10289	11/6/2015	10456	IMPERIAL VALLEY PRESS	\$ (401.44)	CREDIT MEMO
10289	11/6/2015	10456	IMPERIAL VALLEY PRESS	\$ 115.00	BID-ADVERTISEMENT FOR BACK TO SCHOOL
				TOTAL: \$ 1,045.29	
10290	11/6/2015	10491	K-C WELDING & RENTALS INC	\$ 1,104.87	WWTP-MATERIALS TO REPAIR LOADER
10290	11/6/2015	10491	K-C WELDING & RENTALS INC	\$ 1,104.88	WTR-MATERIALS TO REPAIR LOADER
				TOTAL: \$ 2,209.75	
10291	11/6/2015	11032	LOPEZ CARMEN A.	\$ 300.00	OCTOBER 2015 MO. STIPEND FOR TEACHING AMERICAN DREAM ESL CLASS

check number	check date	vendor no.	name	amount	description
10292	11/6/2015	10594	NORMAN A TRAUB ASSOCIATES	\$ 300.00	
10292	11/6/2015	10594	NORMAN A TRAUB ASSOCIATES	\$ 2,325.00	FD-WORKPLACE AND BACKGROUND INVESTIGATION FEES
10292	11/6/2015	10594	NORMAN A TRAUB ASSOCIATES	\$ 4,074.00	PD-WORKPLACE AND BACKGROUND INVESTIGATION FEES
10292	11/6/2015	10594	NORMAN A TRAUB ASSOCIATES	\$ 7,166.65	PD-WORKPLACE AND BACKGROUND INVESTIGATION FEES
10292	11/6/2015	10594	NORMAN A TRAUB ASSOCIATES	\$ 967.74	PD-WORKPLACE AND BACKGROUND INVESTIGATION FEES
10292	11/6/2015	10594	NORMAN A TRAUB ASSOCIATES	\$ 9,673.10	PD-WORKPLACE AND BACKGROUND INVESTIGATION FEES
10292	11/6/2015	10594	NORMAN A TRAUB ASSOCIATES	\$ 4,557.92	PD-WORKPLACE AND BACKGROUND INVESTIGATION FEES
10292	11/6/2015	10594	NORMAN A TRAUB ASSOCIATES	\$ 2,440.00	PD-WORKPLACE AND BACKGROUND INVESTIGATION FEES
10292	11/6/2015	10594	NORMAN A TRAUB ASSOCIATES	\$ 1,330.00	PD-WORKPLACE AND BACKGROUND INVESTIGATION FEES
10292	11/6/2015	10594	NORMAN A TRAUB ASSOCIATES	\$ 2,800.00	PD-WORKPLACE AND BACKGROUND INVESTIGATION FEES
			TOTAL:	\$ 35,334.41	
10293	11/6/2015	10618	PADRE JANITORIAL SUPPLIES INC	\$ 213.31	FD-JANITORIAL SUPPLIES
10293	11/6/2015	10618	PADRE JANITORIAL SUPPLIES INC	\$ 15.52	FD-JANITORIAL SUPPLIES
			TOTAL:	\$ 228.83	
10294	11/6/2015	10666	PRO RECORD STORAGE	\$ 108.58	RDA SUCESOR/ ACCT NO. 1053-STORAGE SERVICE FOR SEPTEMBER 2015
10294	11/6/2015	10666	PRO RECORD STORAGE	\$ 32.16	PLANNING/ACCT NO. 1056-STORAGE SERVICES FOR SEPTEMBER 2015
10294	11/6/2015	10666	PRO RECORD STORAGE	\$ 61.54	C.CLERK/ACCT NO. 1051-STORAGE SERVICES FOR SEPTEMBER 2015
10294	11/6/2015	10666	PRO RECORD STORAGE	\$ 11.15	C.MGR/ACCT NO. 1052-STORAGE SERVICES FOR SEPTEMBER 2015
10294	11/6/2015	10666	PRO RECORD STORAGE	\$ 23.37	HR/ACCT NO. 1049- STORAGE SERVICES FOR SEPTEMBER 2015
10294	11/6/2015	10666	PRO RECORD STORAGE	\$ 209.44	FIN/ACCT NO. 1050-STORAGE SERVICES FOR SEPTEMBER 2015
10294	11/6/2015	10666	PRO RECORD STORAGE	\$ 151.07	BUILDING/ ACCT NO. 1054-STORAGE SERVICES FOR SEPTEMBER 2015
10294	11/6/2015	10666	PRO RECORD STORAGE	\$ 5.72	ENGINEERING/ACT NO. 1057- STORAGE SERVICES FOR SEPTEMBER 2015
10294	11/6/2015	10666	PRO RECORD STORAGE	\$ 48.65	HOUSING/ ACCT NO. 1055-STORAGE SERVICES FOR SEPTEMBER 2015
			TOTAL:	\$ 651.68	
10295	11/6/2015	11054	PUBLIC SAFETY CONSULTING INC	\$ 3,686.33	PD-DOJ COPS OFFICE COLLABORATIVE REFORM
			TOTAL:	\$ 3,686.33	
10296	11/6/2015	10679	QUILL CORPORATION	\$ 35.13	LIB-SUPPLIES
			TOTAL:	\$ 35.13	
10297	11/6/2015	11194	REPUBLIC MOVING & STORAGE	\$ 650.00	CESAR CHAVEZ IMPROV PROJECT MOVING-RELOCATION FOR FRONTERA TIRES
10298	11/6/2015	11194	REPUBLIC MOVING & STORAGE	\$ 550.00	CESAR CHAVEZ IMPROV PROJECT MOVING-RELOCATION FOR JOSMAR PACKING
10299	11/6/2015	11194	REPUBLIC MOVING & STORAGE	\$ 650.00	CESAR CHAVEZ IMPROV PROJECT MOVING-RELOCATION FOR MARCO AUTO TRA
10300	11/6/2015	11194	REPUBLIC MOVING & STORAGE	\$ 650.00	CESAR CHAVEZ IMPROV PROJECT MOVING-RELOCATION FOR CALEXICO TIRES
10301	11/6/2015	11194	REPUBLIC MOVING & STORAGE	\$ 650.00	CESAR CHAVEZ IMPROV PROJECT MOVING-RELOCATION FOR U-HAUL
			TOTAL:	\$ 3,150.00	
10302	11/6/2015	10780	SPEAKWRITE BILLING DEPT	\$ 4.85	PD-DICTATION AND TRANSCRIPTION SERVICES
			TOTAL:	\$ 4.85	
10303	11/6/2015	10790	STAPLES CREDIT PLAN	\$ 1,077.39	V.DEPTS/OFFICE SUPPLIES ACCT NO. 6035-5178-2065-8671 SEPTEMBER 2
10303	11/6/2015	10790	STAPLES CREDIT PLAN	\$ 186.71	V.DEPTS/OFFICE SUPPLIES ACCT NO. 6035-5178-2065-8671 SEPTEMBER 2
10303	11/6/2015	10790	STAPLES CREDIT PLAN	\$ 1,397.44	V.DEPTS/OFFICE SUPPLIES ACCT NO. 6035-5178-2065-8671 SEPTEMBER 2
			TOTAL:	\$ 2,661.54	
10304	11/6/2015	11075	STONE BUSAILAH LLP	\$ 3,700.00	CONSULTATION ON POLICE DEPT PERSONNEL MATTERS

check number	check date	vendor no.	name	description	amount
10305	11/6/2015	11195	SULLIVAN MOVING & STORAGE	CESAR CHAVEZ IMPROV PROJECT MOVING-RELOCATION FOR FRONTERA TIRES	\$ 750.00
10306	11/6/2015	11195	SULLIVAN MOVING & STORAGE	CESAR CHAVEZ IMPROV PROJECT MOVING-RELOCATION FOR JOSMAR PACKING	\$ 250.00
TOTAL:					\$ 3,700.00
10307	11/6/2015	10818	THATCHER COMPANY OF CA	WP-CHLORINE	\$ 3,369.00
TOTAL:					\$ 1,000.00
10308	11/6/2015	10861	VALENZUELA MARIANO	REIMBURSEMENT FOR DISTRIBUTION CERTIFICATION RENEWAL GRADE D4	\$ 105.00
TOTAL:					\$ 105.00
10309	11/6/2015	10872	VERIZON WIRELESS	FD/(9) MOBILE BROADBAND/ACCTNO. 271199352-00005 SEP 19 -OCT 18	\$ 418.11
10309	11/6/2015	10872	VERIZON WIRELESS	CM/MOBILE BROADBAND SRV/ACCTNO. 271199352-00002 SEP 19- OCT 18	\$ 38.01
10309	11/6/2015	10872	VERIZON WIRELESS	LIB/ACCTNO. 271199352-00006 SEP 19- OCT 18	\$ 38.01
10309	11/6/2015	10872	VERIZON WIRELESS	DEV/(9)MOBILE BROADBAND/ACCT NO.271199352-00007 SEP 19- OCT 18	\$ 348.09
10309	11/6/2015	10872	VERIZON WIRELESS	N.FENLEY MOBILE BROADBAND/ACCT NO.271199352-00003 SEP19 - OCT 18	\$ 76.02
TOTAL:					\$ 918.24
10310	11/9/2015	11058	AMERICAN VETERANS POST #94	CM-DONATIO TO VETERAN'S DAY BREAKFAST CEREMONY 2015	\$ 300.00
TOTAL:					\$ 300.00
10311	11/9/2015	10683	R&H CLEAN-TEK	PD-GENERAL CLEANING SERVICES FOR MONTH OF OCTOBER 2015	\$ 1,800.00
10311	11/9/2015	10683	R&H CLEAN-TEK	PD-JANITORIAL SUPPLIES	\$ 195.50
TOTAL:					\$ 1,995.50
0	11/12/2015	10087	AVAYA INC	PD-ANSWERING MO. SERVICE10-17-15 TO 11-16-15 ACCT NO. 0102057336	\$ 272.10
TOTAL:					\$ 272.10
0	11/12/2015	10435	I V WELDING & MECHANICAL	WWTP-WELDING TO REMOVE AND REPLACE WALL PIPE INSIDE NO.1 CLARIFI	\$ 6,500.00
TOTAL:					\$ 6,500.00
0	11/12/2015	10740	SAVMART PHARMACEUTICAL SERVICE	FIRE-MEDICAL SUPPLIES PO# 18747	\$ 43.50
0	11/12/2015	10740	SAVMART PHARMACEUTICAL SERVICE	FIRE-MEDICAL SUPPLIES PO# 18747	\$ 509.27
0	11/12/2015	10740	SAVMART PHARMACEUTICAL SERVICE	FIRE-MEDICAL SUPPLIES PO# 18138	\$ 102.00
0	11/12/2015	10740	SAVMART PHARMACEUTICAL SERVICE	FIRE-MEDICAL SUPPLIES PO# 18747	\$ 204.00
TOTAL:					\$ 858.77
0	11/12/2015	10823	THE MC MARKETING	BID-SHOP CLX ADVERTISING AND PROMOTION SEPT 2015	\$ 375.00
TOTAL:					\$ 375.00
10312	11/12/2015	10034	AGUILAR SAUL	PD-CAR WASH AND DETAILING POLICE VEHICLES 10-23-15 THRU 11-3-15	\$ 695.00
TOTAL:					\$ 695.00
10313	11/12/2015	10071	LLC	APPLIED INDUSTRIAL TECHNOLOGIES-CA	\$ 516.67
TOTAL:					\$ 516.67
10314	11/12/2015	10081	AT&T	CARNEGIE-MO. SERVICE-OCT 26 THRU NOV 25 ACCT NO. 760-357-5565-6	\$ 365.98
10315	11/12/2015	10083	AT&T	CITY CLERK-MO.SERVICE REF NO.760-768-6028 ACCT NO. 051-892-8886-	\$ 31.50
TOTAL:					\$ 397.48
10316	11/12/2015	10096	BANK UP CORPORATION	WTR AND WASTEWTR-OCTOBER 2015 LOCKBOX PROCESSING	\$ 597.07
10316	11/12/2015	10096	BANK UP CORPORATION	WTR AND WASTEWTR-OCTOBER 2015 LOCKBOX PROCESSING	\$ 597.06
TOTAL:					\$ 1,194.13

check number	check date	vendor no.	name	description	amount
10317	11/12/2015	11067	BergerABAM	PW-PROJ NO. A15-0290.00 SEISMIC BRIDGE EVAL. STUDIES THRU 9-18-	\$ 3,950.00
				TOTAL:	\$ 3,950.00
10318	11/12/2015	10105	BIOMETRICS4ALL INC	PD-LIVESCAN PROCESSING RELAY FEES TO DOJ FOR AUGUST 2015	\$ 22.50
10318	11/12/2015	10105	BIOMETRICS4ALL INC	PD-LIVESCAN PROCESSING RELAY FEES TO DOJ FOR OCTOBER 2015	\$ 49.50
				TOTAL:	\$ 72.00
10319	11/12/2015	11246	CALEXICO POLICE DEPARTMENT	PD-ORAL PNELS UPCOMING PD SRT PROMOTIONS LUNCH SNACKS COFFEE	\$ 300.00
				TOTAL:	\$ 300.00
10320	11/12/2015	10139	CALEXICO TOWING SERVICE	A.CONTROL-REPLACE FUEL PUMP-VIBRATION DAMPER AND SENSOR 2007 FOR	\$ 225.50
10320	11/12/2015	10139	CALEXICO TOWING SERVICE	PD-REPLACE RADIATOR AND ADD COOLANT - UNIT 528	\$ 563.58
10320	11/12/2015	10139	CALEXICO TOWING SERVICE	A.CONTROL-REPLACE IGNITION COIL ON 2007 FORD F-150 CAB PICKUP	\$ 166.19
10320	11/12/2015	10139	CALEXICO TOWING SERVICE	PD-REPLACE SUSPENSION STRUT AND SHOCK ABSORBER-UNIT NO. 523	\$ 585.28
10320	11/12/2015	10139	CALEXICO TOWING SERVICE	PD-REPLACE REAR DOOR WINDOW GLASS- UNIT 581	\$ 82.50
10320	11/12/2015	10139	CALEXICO TOWING SERVICE	PD-OIL CHANGE SERVICE AND REPAIRED BLOWER MOTOR- UNIT 571	\$ 194.00
10320	11/12/2015	10139	CALEXICO TOWING SERVICE	A.CONTROL-REPLACE ALTERNATOR 2007 FORD F-150 CAB PICKUP	\$ 311.56
10320	11/12/2015	10139	CALEXICO TOWING SERVICE	PD-REPAIRED CRACK WINDSHIELD-REPLACE THERMOSTAT-HOOD SHOCK ADD	\$ 269.50
10320	11/12/2015	10139	CALEXICO TOWING SERVICE	PD-OIL CHANGE SERVICE - UNIT 524	\$ 192.16
10320	11/12/2015	10139	CALEXICO TOWING SERVICE	PD-REPLACE FRONT SUSPENSION-LOWER CONTROL ARM AND MAIN CONTROL-	\$ 1,464.10
				TOTAL:	\$ 4,054.37
10321	11/12/2015	10186	CHEVRON USA	FD/Unleaded fuel & Oil	\$ 236.28
10321	11/12/2015	10186	CHEVRON USA	CITY MANAGER/Unleaded fuel & Oil	\$ 14.21
10321	11/12/2015	10186	CHEVRON USA	CITY MANAGER/Unleaded fuel & Oil	\$ 24.28
10321	11/12/2015	10186	CHEVRON USA	C.Council/Unleaded fuel & Oil	\$ 152.41
10321	11/12/2015	10186	CHEVRON USA	CITY MANAGER/Unleaded fuel & Oil	\$ 123.21
10321	11/12/2015	10186	CHEVRON USA	LIB/Unleaded fuel & Oil	\$ 46.05
10321	11/12/2015	10186	CHEVRON USA	PD/Unleaded fuel & Oil	\$ 629.41
10321	11/12/2015	10186	CHEVRON USA	REC/Unleaded fuel & Oil	\$ 41.51
10321	11/12/2015	10186	CHEVRON USA	BUILDING/Unleaded fuel & Oil	\$ 52.55
10321	11/12/2015	10186	CHEVRON USA	FIN/Unleaded fuel & Oil	\$ 61.53
10321	11/12/2015	10186	CHEVRON USA	PW/Unleaded fuel & Oil	\$ 53.36
				TOTAL:	\$ 1,434.80
10322	11/12/2015	10217	COPY CENTER & INTERNET LOUNGE	CUST SVC-WTR MISCELLANEOUS RECEIPT BOOKS	\$ 309.23
				TOTAL:	\$ 309.23
10323	11/12/2015	10244	CURTIS ROADRUNNER LOCK & SAFE	PD-LOCK ADJUSTED ON 13 DOORS	\$ 140.00
				TOTAL:	\$ 140.00
10324	11/12/2015	10351	FIVE STAR ELECTRIC	SEWER PLANT- INSTALL ULTRA SONIC SENSOR AND PROGRAMMED FOR CLARI	\$ 2,775.00
10324	11/12/2015	10351	FIVE STAR ELECTRIC	SEWER PLANT- INSTALL ULTRA SONIC SENSOR AND PROGRAMMED FOR CLARI	\$ 172.67
				TOTAL:	\$ 2,947.67
10325	11/12/2015	11147	FRUTH GROUP	REC-CONTRACT MAINTENANCE SERVICE CANON IR2200I ACCT NO. EC1067	\$ 1,507.38
10325	11/12/2015	11147	FRUTH GROUP	REC- ACCT NO. EC1067 NSF FEE	\$ 35.00
				TOTAL:	\$ 1,542.38
10326	11/12/2015	10419	HUMANE SOCIETY OF IMPERIAL COUNTY	ANIMAL CARE EXPENSES FOR SEPTEMBER 2015	\$ 1,070.00

check number	check date	vendor no.	name	amount	description
10327	11/12/2015	10450	IMP CO TRANSPORTATION	\$ 1,070.00	TOTAL: \$ 1,070.00
				\$ 4,853.69	2ND QTR DISTRIBUTION OF COST FOR MEMBERSHIP FEE FY 2015-16
				\$ 4,853.69	TOTAL: \$ 4,853.69
10328	11/12/2015	11153	IMPERIAL COUNTY DISTRICT ATTORNEY'S OFFICE	\$ 1,080.04	PD-REIMBURSEMENT OT EXPENSE EVIDENCE TECH OCT 2-9 2015
				\$ 1,080.04	TOTAL: \$ 1,080.04
10329	11/12/2015	10453	IMPERIAL LANDFILL	\$ 54.67	A.CONTROL-MSW ENVIRONMENTAL FEE FUEL RECOVERY AND ADMIN FEE FOR
				\$ 54.67	TOTAL: \$ 54.67
10330	11/12/2015	10455	IMPERIAL VALLEY PAINT CENTER	\$ 658.69	PW-SUPPLIES
10330	11/12/2015	10455	IMPERIAL VALLEY PAINT CENTER	\$ 1,289.47	PW-INT-EXT FLAT LATEX TINTTED AND STIN FINISH FOR REMOVAL GRAFFI
				\$ 1,948.16	TOTAL: \$ 1,948.16
10331	11/12/2015	10572	MUNICIPAL CODE COPORATION	\$ 650.00	C.CLERK-OCTOBER ANNUAL WEB HOSTING 10-1-2015 TO 9-30-2016 CUSTO
				\$ 650.00	TOTAL: \$ 650.00
10332	11/12/2015	10609	ORIENTAL TRADING COMPANY	\$ 234.50	LIB-PROGRAM SUPPLIES
				\$ 234.50	TOTAL: \$ 234.50
10333	11/12/2015	10618	PADRE JANITORIAL SUPPLIES INC	\$ 157.94	PARKING FACILITIES-JANITORIAL SUPPLIES
				\$ 157.94	TOTAL: \$ 157.94
10334	11/12/2015	11245	PINNACLE CLAIMS MANAGEMENT INC	\$ 3,000.00	HR-ACA DASHBOARD IRS REPORTING
				\$ 3,000.00	TOTAL: \$ 3,000.00
10335	11/12/2015	10716	ROBINSON FORD SALES INC	\$ 143.37	WP-SERVICE AIR CONDITIONING 2007 TOYOTA TACOMA
				\$ 143.37	TOTAL: \$ 143.37
10336	11/12/2015	10722	ROMAN'S WATER SYSTEM	\$ 31.50	CITY HALL BULK DRINKING WATER
10336	11/12/2015	10722	ROMAN'S WATER SYSTEM	\$ 36.50	CITY HALL BULK DRINKING WATER
10336	11/12/2015	10722	ROMAN'S WATER SYSTEM	\$ 36.50	CITY HALL BULK DRINKING WATER
10336	11/12/2015	10722	ROMAN'S WATER SYSTEM	\$ 16.50	CITY HALL BULK DRINKING WATER
10336	11/12/2015	10722	ROMAN'S WATER SYSTEM	\$ 26.50	CITY HALL BULK DRINKING WATER
				\$ 147.50	TOTAL: \$ 147.50
10337	11/12/2015	10725	ROTO-ROOTER	\$ 125.69	FD-SLOAN VALVE LEAKING ON TOILET 2ND FLOOR RESTROOM
10337	11/12/2015	10725	ROTO-ROOTER	\$ 85.00	PD-BS IN MEN LOCKER ROOM SINK
10337	11/12/2015	10725	ROTO-ROOTER	\$ 93.75	FD-UNPLUGGED 2ND FLOOR TOILET
				\$ 304.44	TOTAL: \$ 304.44
10338	11/12/2015	10781	SPECTRUM	\$ 350.00	OCTOBER COUNCIL MEETING 10/06 TOTAL OF 4.0HRS INCL SYNC AGENDA
10338	11/12/2015	10781	SPECTRUM	\$ 350.00	ECO DEV-STATURE AWARDS SAVE THE DATE DESIGN PROJ MGNMNT
10338	11/12/2015	10781	SPECTRUM	\$ 350.00	OCTOBER COUNCIL MEETING 10/06 TOTAL OF 4.0HRS INCL SYNC AGENDA
				\$ 1,050.00	TOTAL: \$ 1,050.00
10339	11/12/2015	10774	THE GAS COMPANY	\$ 23.30	LIB-MO. SRVC 9-24-15 TO 10-22-15 ACCT NO. 010-125-7700-1
				\$ 23.30	TOTAL: \$ 23.30
10340	11/12/2015	11247	VARIANT MICROSYSTEMS INC.	\$ 443.58	COMM SRVCS-SCANNER PO# 18987.0915R
				\$ 443.58	TOTAL: \$ 443.58
10341	11/12/2015	10872	VERIZON WIRELESS	\$ 26.76	HOUSING-ACCT 271199352-00004 FROM SEP 19-OCT 18
10341	11/12/2015	10872	VERIZON WIRELESS	\$ 107.04	ENG CODE-ACCT 271199352-00004 FROM SEP 19-OCT 18

check number	check date	vendor no.	vendor name	description	amount
10341	11/12/2015	10872	VERIZON WIRELESS	26.76 PW-ACCT 271199352-00004 FROM SEP 19-OCT 18	\$ 26.76
10341	11/12/2015	10872	VERIZON WIRELESS	83.39 WWTP-ACCT 271199352-00004 FROM SEP 19-OCT 18	\$ 83.39
10341	11/12/2015	10872	VERIZON WIRELESS	26.76 FIRE-ACCT 271199352-00004 FROM SEP 19-OCT 18	\$ 26.76
10341	11/12/2015	10872	VERIZON WIRELESS	135.59 WATER-ACCT 271199352-00004 FROM SEP 19-OCT 18	\$ 135.59
10341	11/12/2015	10872	VERIZON WIRELESS	26.76 A-C-ACCT 271199352-00004 FROM SEP 19-OCT 18	\$ 26.76
10341	11/12/2015	10872	VERIZON WIRELESS	1,766.16 PD-BROADBAND FROM SEP 19 - OCT 18 ACCT 271199352-00001	\$ 1,766.16
				TOTAL:	\$ 2,199.22
10342	11/12/2015	10941	VILLA DEL ESTE APARTMENTS	405.00 J.MUNOZ PMT1 1103 AVENIDA DE ORO 13 NOV 15	\$ 405.00
				TOTAL:	\$ 405.00
10343	11/12/2015	10883	WAL-MART COMMUNITY	19.46 LIB-SUPPLIES AND MATERIALS	\$ 19.46
10343	11/12/2015	10883	WAL-MART COMMUNITY	122.64 CITY CLERK-MATERIALS AND SUPPLIES	\$ 122.64
10343	11/12/2015	10883	WAL-MART COMMUNITY	9.47 SENIOR PROG-MATERIALS AND SUPPLIES	\$ 9.47
10343	11/12/2015	10883	WAL-MART COMMUNITY	293.78 LIB-SUPPLIES AND MATERIALS	\$ 293.78
10343	11/12/2015	10883	WAL-MART COMMUNITY	32.55 LIB-SUPPLIES AND MATERIALS	\$ 32.55
10343	11/12/2015	10883	WAL-MART COMMUNITY	81.28 REC-MATERIALS AND SUPPLIES	\$ 81.28
10343	11/12/2015	10883	WAL-MART COMMUNITY	120.40 CAC PROG-SUPPLIES AND MATERIALS	\$ 120.40
10343	11/12/2015	10883	WAL-MART COMMUNITY	460.92 LIB-SUPPLIES AND MATERIALS	\$ 460.92
10343	11/12/2015	10883	WAL-MART COMMUNITY	174.50 REC-MATERIALS AND SUPPLIES	\$ 174.50
10343	11/12/2015	10883	WAL-MART COMMUNITY	30.00 CAC PROG-SUPPLIES AND MATERIALS	\$ 30.00
10343	11/12/2015	10883	WAL-MART COMMUNITY	17.18 LIB-SUPPLIES AND MATERIALS	\$ 17.18
10343	11/12/2015	10883	WAL-MART COMMUNITY	102.43 SENIOR PROG-MATERIALS AND SUPPLIES	\$ 102.43
10343	11/12/2015	10883	WAL-MART COMMUNITY	34.70 SENIOR PROG-MATERIALS AND SUPPLIES	\$ 34.70
10343	11/12/2015	10883	WAL-MART COMMUNITY	79.11 LIB-SUPPLIES AND MATERIALS	\$ 79.11
10343	11/12/2015	10883	WAL-MART COMMUNITY	163.43 SENIOR PROG-MATERIALS AND SUPPLIES	\$ 163.43
				TOTAL:	\$ 1,741.85
10344	11/12/2015	11192	WONG DE CARMELO NELIDA	1,000.00 SPECIAL EVENT 11-09-15 2ND PART	\$ 1,000.00
10344	11/12/2015	11192	WONG DE CARMELO NELIDA	1,000.00 SPECIAL EVENT 11-09-15 1ST PART	\$ 1,000.00
				TOTAL:	\$ 2,000.00
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	771.98 ENG/TEMP EMPLOYMENT SRVS AGING REPORT 11/06/15	\$ 771.98
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	3,252.15 ST. DIV/TEMP. EMPLOYMENT SRVS. AGING REPORT 11/06/15	\$ 3,252.15
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	2,693.70 PARKS/TEMP.EMPLOYMENT SRVS. AGING REPORT 11/06/15	\$ 2,693.70
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	1,181.57 FIN/TEMP. EMPLOYMENT SRVS AGING REPORT 11/06/15	\$ 1,181.57
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	581.28 C.M/TEM EMPLOYMENT SRVS AGING REPORT 11/06/15	\$ 581.28
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	1,542.00 REC/TEMP-EMPLOYMENT SRVS. AGING REPORT 11/06/15	\$ 1,542.00
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	441.00 HOUSING/TEM EMPLOYMENT SRVS AGING REPORT 11/06/15	\$ 441.00
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	1,325.34 PD-CLERKS DISPATCHERS/TEMP.EMP AGING REPORT 11/06/15	\$ 1,325.34
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	439.56 LIB/TEMP-EMPLOYMENT SRVS. AGING REPORT 11/06/15	\$ 439.56
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	468.60 LIB-LITERACY/TEMP.EMPLOYMENT AGING REPORT 11/06/15	\$ 468.60
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	379.04 CITY HALL (JANITORS)/TEMP EMPL AGING REPORT 11/06/15	\$ 379.04
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	840.96 WTR/DIST/TEMP EMPLOYMENT SRVS AGING REPORT 11/06/15	\$ 840.96
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	348.30 SENIOR PROG AGING REPORT 11/06/15	\$ 348.30

check number	check date	vendor no.	name	amount	description
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 647.58	REC INSTR/TEMP. EMPLOYMENT SRV AGING REPORT 11/06/15
10345	11/12/2015	10420	HUNTER EMPLOYMENT L.L.C	\$ 3,376.62	PD-PARKING/TEMP.EMPLOYMENT SRV AGING REPORT 11/06/15
TOTAL:				\$ 18,289.68	
10346	11/12/2015	10831	TIRES & WHEELS OF AMERICA	\$ 36.00	WTR DISTR-FLAT REPAIR REAR DRIVER-FORD F-350
10346	11/12/2015	10831	TIRES & WHEELS OF AMERICA	\$ 92.84	BUILDING MAINT-TIRE INSTALLED FRONT DRIVER-2002 CHEVY S10
10346	11/12/2015	10831	TIRES & WHEELS OF AMERICA	\$ 76.60	WTR METERS-REPLACE AND INSTALL NEW TIRE 2009 EL BASE
10346	11/12/2015	10831	TIRES & WHEELS OF AMERICA	\$ 178.77	PD-MOUNT AND BALANCE PASSENGER TIRE 2015 DODGE DURANGO
10346	11/12/2015	10831	TIRES & WHEELS OF AMERICA	\$ 706.36	PD-MAINTENANCE AND SERVICE 2012 DODGE CHARGER-UNIT NO. 503
10346	11/12/2015	10831	TIRES & WHEELS OF AMERICA	\$ 654.50	PD-MOUNT AND BAL NEW TIRES AND WHEEL ALIGNMENT 2012 DODGE CHARGE
10346	11/12/2015	10831	TIRES & WHEELS OF AMERICA	\$ 23.00	PW-OIL AND FILTER CHANGE 2010 CHEVROLET SILVERADO 1500 HYBRID BA
10346	11/12/2015	10831	TIRES & WHEELS OF AMERICA	\$ 35.00	PD-57 POINT SAFETY INSPECTION 2008 FORD CROWN VICTORIA POLICE UN
10346	11/12/2015	10831	TIRES & WHEELS OF AMERICA	\$ 60.00	ST-FLAT REPAIR FRONT DRIVER TRACTOR
10346	11/12/2015	10831	TIRES & WHEELS OF AMERICA	\$ 493.22	FD-TIRE INSTALLED ON SEMI-TRUCK REAR - UNIT NO. 3821
TOTAL:				\$ 2,356.29	
GRAND TOTAL:				\$ 251,064.55	

Payroll

Pay Type Register



User: sfonseca
 Printed: 11/19/2015 - 9:37AM
 Check Date Range: 10/30/2015 to 11/12/2015
 Period Date Range: All
 Batch Info: All
 Pay Types: A, ADJ, AL, AS, AW, B, BL, BN, BV, C, CB, CE, CNF, COP, CT, DAP, DP, DT, EDU, F, FL, FLAT, FTO, H, HAZ, HL, HR, J, JD, JOP, LD, LNG, LV, LVM, ME, MIP, MOP, NDP, O, OC, OCT, OH, OSA, OSP, OT, OTS, P, PIP, PMD, POS, R, RNP, S, SAL, SB, SFC, SGV, SHR, SK, SLD, SLV, SML, SOF, SOH, SOJ, SOT, SP, SPC, SSC, SSW, SV, T, TDP, TR,

Department	Pay Type	Description	Hours	Amount
C MNGR				
	AL	Admn Leave	80.00	7,653.85
	C	Comp Time Taken FLSA/	2.75	67.45
	CE	Comp Time Earned	3.23	0.00
	CNF	Confidential Pay	0.00	335.17
	COP	Computer Operations	0.00	92.80
	EDU	Education Incentive	0.00	93.20
	LNG	Longevity	0.00	338.32
	LV	MD Leave FLSA Includ	9.00	220.73
	ME	Misc Expense	0.00	295.36
	O	FLSA Overtime	41.00	1,642.07
	OC	Out of Class	0.00	100.00
	OTS	Overtime Special	0.00	167.69
	P	Permanent	424.50	12,996.59
	R	Retro	0.00	2,623.01
	S	Sick FLSA Included	20.00	490.52
	TUP	Temporary Upgrade	0.00	175.66
	V	Vacation FLSA Included	9.00	205.17
		Department Total	589.48	27,497.59
COUNCIL				
	ME	Misc Expense	0.00	320.00
	P	Permanent	5.00	3,025.00
		Department Total	5.00	3,345.00
CUST SRV				
	O	FLSA Overtime	5.00	115.31
	P	Permanent	75.50	1,160.80
	V	Vacation FLSA Included	0.50	7.69
		Department Total	81.00	1,283.80
DVLPMT				
	AL	Admn Leave	8.00	423.26
	CE	Comp Time Earned	0.46	0.00
	EDU	Education Incentive	0.00	186.39
	LNG	Longevity	0.00	351.22
	ME	Misc Expense	0.00	147.68
	MIP	Management Incentive	0.00	81.22
	O	FLSA Overtime	21.75	947.27

Department	Pay Type	Description	Hours	Amount
	OSA	Off Salary Schedule	0.00	135.37
	OTS	Overtime Special	0.00	36.03
	P	Permanent	437.25	13,979.91
	S	Sick FLSA Included	9.00	220.73
	SK	Sick	9.00	476.17
	TR	Training FLSA Included	10.50	555.53
	V	Vacation FLSA Included	67.25	1,862.11
		Department Total	563.21	19,402.89
ENFORCER				
	J	Jury Duty FLSA Include	17.00	397.24
	LNG	Longevity	0.00	87.40
	O	FLSA Overtime	9.25	332.84
	OTS	Overtime Special	0.00	8.63
	P	Permanent	125.75	2,938.39
	V	Vacation FLSA Included	9.25	216.14
		Department Total	161.25	3,980.64
FINANCE				
	CNF	Confidential Pay	0.00	67.21
	LNG	Longevity	0.00	269.29
	O	FLSA Overtime	22.50	793.08
	OSA	Off Salary Schedule	0.00	70.73
	OTS	Overtime Special	0.00	63.84
	P	Permanent	440.75	11,430.75
	TUP	Temporary Upgrade	0.00	408.21
	V	Vacation FLSA Included	29.00	613.68
		Department Total	492.25	13,716.79
FIRE				
	CNF	Confidential Pay	0.00	67.86
	EDU	Education Incentive	0.00	2,192.19
	FL	Floating Holiday	48.00	858.02
	HAZ	Hazmat Pay	0.00	535.19
	LNG	Longevity	0.00	446.78
	ME	Misc Expense	0.00	73.84
	O	FLSA Overtime	5.00	208.29
	OTS	Overtime Special	0.00	24.36
	P	Permanent	78.00	1,913.03
	PMD	Paramedic Pay	0.00	3,092.98
	SK	Sick	48.00	955.19
	SP	SF Permanent	2,942.75	60,827.59
	VC	Vacation	155.50	3,281.87
		Department Total	3,277.25	74,477.19
GENERAL				
	CB	Callback	2.00	61.96
	CE	Comp Time Earned	16.08	0.00
	DP	Differential Pay	16.75	21.28
	F	Floating Holiday FLSA	1.00	14.98
	LD	Light Duty	4.25	96.89
	LNG	Longevity	0.00	299.14

Department	Pay Type	Description	Hours	Amount
	O	FLSA Overtime	45.25	1,290.72
	OC	Out of Class	0.00	10.00
	OSA	Off Salary Schedule	0.00	82.61
	OTS	Overtime Special	0.00	33.31
	P	Permanent	578.25	12,827.86
	S	Sick FLSA Included	27.00	557.63
	SK	Sick	5.00	184.93
	V	Vacation FLSA Included	137.50	2,677.47
		Department Total	833.08	18,158.78
H-E DIV				
	AL	Admn Leave	80.00	2,576.93
	C	Comp Time Taken FLSA/	0.50	13.22
	CE	Comp Time Earned	0.46	0.00
	CNF	Confidential Pay	0.00	66.12
	LNG	Longevity	0.00	167.96
	ME	Misc Expense	0.00	147.68
	O	FLSA Overtime	8.00	327.43
	OTS	Overtime Special	0.00	10.08
	P	Permanent	261.50	9,093.99
	TUP	Temporary Upgrade	0.00	161.60
	V	Vacation FLSA Included	13.00	335.31
	VC	Vacation	37.00	1,684.02
		Department Total	400.46	14,584.34
LIBRARY				
	BV	Bereavement	4.00	105.75
	LNG	Longevity	0.00	131.52
	ME	Misc Expense	0.00	73.84
	O	FLSA Overtime	8.00	199.45
	OSA	Off Salary Schedule	0.00	168.59
	OTS	Overtime Special	0.00	8.08
	P	Permanent	359.50	9,608.55
	SK	Sick	18.00	475.88
	V	Vacation FLSA Included	8.25	136.43
	VC	Vacation	2.50	66.09
		Department Total	400.25	10,974.18
POLICE				
	A	Admn Taken	11.00	509.19
	AL	Admn Leave	80.00	1,693.54
	BL	Bilingual	0.00	329.26
	BV	Bereavement	20.00	633.69
	C	Comp Time Taken FLSA/	2.50	79.21
	CE	Comp Time Earned	15.00	0.00
	CNF	Confidential Pay	0.00	139.21
	CT	Comp Time	4.50	94.32
	DP	Differential Pay	227.00	327.36
	EDU	Education Incentive	0.00	765.69
	FL	Floating Holiday	6.00	277.74
	FLAT	FLAT EARNINGS	0.00	6,628.89
	FTO	FTO School	0.00	213.90
	LNG	Longevity	0.00	915.02

Department	Pay Type	Description	Hours	Amount
	MOP	Motorcycle Patrol	0.00	130.80
	NDP	Narcotic Division	0.00	126.74
	O	FLSA Overtime	116.50	3,799.35
	OC	Out of Class	0.00	150.00
	OTS	Overtime Special	0.00	744.79
	P	Permanent	1,095.50	21,769.75
	PIP	Police Investigator	0.00	383.25
	POS	Peace Officer Certificate	0.00	4,472.04
	S	Sick FLSA Included	177.95	4,910.08
	SGV	Safety Graveyard	737.50	1,664.42
	SK	Sick	18.00	1,160.77
	SOJ	SF Permanent	80.00	2,534.77
	SOT	SF Overtime	135.00	7,003.42
	SP	SF Permanent	1,735.00	61,661.91
	SSC	SF Officer Charge	0.00	250.00
	SSW	Safety Swing	635.00	571.54
	TDP	Traffic Detail	0.00	136.55
	V	Vacation FLSA Included	91.00	2,627.16
	VC	Vacation	19.00	879.50
		Department Total	5,206.45	127,583.86
PUB WRKS				
	LNG	Longevity	0.00	39.78
	O	FLSA Overtime	30.25	908.00
	OC	Out of Class	0.00	110.00
	OTS	Overtime Special	0.00	3.32
	P	Permanent	151.00	3,174.50
	S	Sick FLSA Included	1.00	17.81
	V	Vacation FLSA Included	4.50	110.47
		Department Total	186.75	4,363.88
RCRTION				
	C	Comp Time Taken FLSA	8.25	169.55
	CE	Comp Time Earned	8.80	0.00
	LNG	Longevity	0.00	132.69
	O	FLSA Overtime	22.50	744.29
	OTS	Overtime Special	0.00	14.39
	P	Permanent	297.00	6,410.53
	V	Vacation FLSA Included	13.00	327.13
		Department Total	349.55	7,798.58
WASTE				
	BV	Bereavement	24.00	703.76
	CB	Callback	1.00	34.36
	CE	Comp Time Earned	22.50	0.00
	CT	Comp Time	16.00	469.18
	DT	Double Time	1.00	45.81
	FL	Floating Holiday	9.00	277.48
	LD	Light Duty	70.50	1,739.14
	LNG	Longevity	0.00	467.01
	LVM	MD Leave	9.00	250.49
	O	FLSA Overtime	8.25	383.06
	OSA	Off Salary Schedule	0.00	56.93

Department	Pay Type	Description	Hours	Amount
	OTS	Overtime Special	0.00	30.92
	P	Permanent	513.50	15,119.47
	S	Sick FLSA Included	3.50	79.79
	SB	Stand-By	72.00	1,880.29
	SK	Sick	36.50	1,538.27
	V	Vacation FLSA Included	5.50	125.38
	VC	Vacation	39.50	1,350.99
	WC	Water Certification	0.00	933.03
Department Total			831.75	25,485.36
WATER				
	BV	Bereavement	8.00	343.15
	CB	Callback	22.75	634.95
	CT	Comp Time	10.75	246.26
	DP	Differential Pay	96.00	211.25
	DT	Double Time	3.00	137.44
	EDU	Education Incentive	0.00	139.02
	FL	Floating Holiday	23.00	1,038.38
	LNG	Longevity	0.00	301.44
	O	FLSA Overtime	68.75	3,753.61
	OSA	Off Salary Schedule	0.00	64.78
	OTS	Overtime Special	0.00	214.58
	P	Permanent	801.75	20,978.46
	SB	Stand-By	66.00	1,728.35
	V	Vacation FLSA Included	4.25	75.69
	VC	Vacation	95.00	3,229.14
	WC	Water Certification	0.00	1,558.75
Department Total			1,204.25	34,655.25
Report Total			14,581.98	387,308.13

Payroll

Deduction Register - Totals Only



User: sfonseca
 Printed: 11/19/2015 - 9:37 AM
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 Period End Range: All
 Batch Info: All
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	Amount
FICAR: FICA Employer Portion	12,791.01
FLEXR: Flex Plan Emplr Portion	85.90
H-EPOR: Health EPO	64,374.56
H-LIFR: Life Insurance	534.92
H-PPOR: Health PPO	17,859.89
H-PTR: Health PT	38.26
ICMAR: Def Comp Plan - Emplr Allow	615.34
MEDIR: Medicare Employer Portion	5,410.09
P-PEPM: Pers Pepra Misc Emp Portion	110.84
P-PPMR: Pers Pepra Misc Emplr Portion	332.43
P-PPS: Pers Pepra Safety Emp Portion	1,255.11
P-PPSR: Pers Pepra Safety Emplr Prtion	1,217.23
P-PSFR: Pers Post Fire Emplr Portion	640.11
P-PSMR: Pers Post Misc Emplr Portion	17,273.57
P-PSS: Pers Post Safety Emp Portion	12,089.53
P-PSSR: Pers Post Safety Emplr Portion	19,817.82
P-PSTM: Pers Post Misc Emp Portion	13,481.46
SUI: State Unemployment Insurance	7,706.86
VA-CAR: Aflac Cancer - Emp Allowance	43.99
VA-ICR: Aflac Intensive Care - Emp All	13.46
VA-SER: Aflac Specif Event - Emp Allow	7.69
VA-STR: Aflac Short Term - Emp Allow	22.71
VC-ACR: Colonial Accidental - Emp Allo	67.86
VC-CAR: Colonial Cancer - Emp Allowanc	76.00
VC-CRR: Colonial Criticalill - Emp All	26.95
VC-STR: Colonial Short Term - Emp Allo	63.08
VC-TLR: Colonial T Life - Emplr Allow	62.40
VC-ULR: Colonial U Life - Emplr Allow	7.69
WC: Workers Comp	314.36

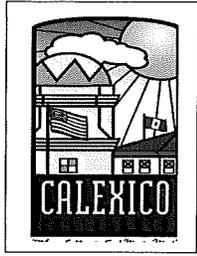
Amount

Report Total:

176,341.12

**AGENDA
ITEM**

7



AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

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

SUBJECT: Resolution of the City Council of the City of Calexico Authorizing the Acting City Manager to Execute a Right-of-Way Contract and Certificates of Acceptance for the City's Acquisition of a Permanent Slope Easement Interest and a Temporary Construction Easement Interest in a Portion of Assessor's Parcel Numbers 058-334-002 and 058-334-005 for the Cesar Chavez Boulevard Improvement Project.

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Recommendation:

Adoption of Resolution of the City Council of the City of Calexico authorizing the Acting City Manager to execute a Right of Way Contract with Gasolinera Cesar Chavez, Inc. ("Owner") in order to acquire a permanent slope easement interest and a temporary construction easement interest in a portion of real property located at 700 Cesar Chavez Boulevard, 721-781 Railroad Boulevard, and 438 Grant Street, in the City of Calexico, Imperial County, California, and known as a portion of Assessor's Parcel Numbers 058-334-002 and 058-334-005 ("Subject Property"), and to execute Certificates of Acceptance on its behalf as provided by Government Code section 27281.

Background:

Government Code section 40404 authorizes the City to acquire real property to construct public streets within the City. Pursuant to Resolution No. 2015-38, approved and adopted on August 18, 2015, the City Council previously authorized the City of Calexico ("City") to acquire the Subject Property for the Cesar Chavez Boulevard Improvement Project ("Project").

The City's independent appraiser valued the property interests at \$6,800 as of February 18, 2015 ("Appraised Value"). On October 13, 2015, the City

**AGENDA
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filed a complaint in eminent domain against the Owner of the Subject Property, but the City has since reached a settlement of this matter with the Owner for the Appraised Value.

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

Discussion & Analysis:

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

Fiscal Impact:

The City had the Subject Property appraised for purposes of its Government Code section 7267.2 offer to the Owner. The City's independent appraiser valued the Subject Property at \$6,800 as of February 18, 2015.

Coordinated With:

Bender Rosenthal and Best Best & Krieger LLP

Attachment:

1. Resolution of the City Council of the City of Calexico Authorizing the Acting City Manager to Execute a Right-of-Way Contract and Certificates of Acceptance for the City's Acquisition of a Permanent Slope Easement Interest and a Temporary Construction Easement Interest in a Portion of Assessor's Parcel Numbers 058-334-002 and 058-334-005 for the Cesar Chavez Boulevard Improvement Project.

RESOLUTION NO. 2015-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO AUTHORIZING THE ACTING MANAGER TO EXECUTE A RIGHT OF WAY CONTRACT AND CERTIFICATES OF ACCEPTANCE FOR THE CITY'S ACQUISITION OF A PERMANENT SLOPE EASEMENT INTEREST AND A TEMPORARY CONSTRUCTION EASEMENT INTEREST IN A PORTION OF ASSESSOR'S PARCEL NUMBERS 058-334-002 AND 058-334-005 FOR THE CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT

WHEREAS, the City is authorized to acquire property to construct public streets within the City of Calexico pursuant to Government Code section 40404; and

WHEREAS, pursuant to Resolution No. 2015-38, approved and adopted on August 18, 2015, the City Council previously authorized the City of Calexico ("City") to acquire a permanent slope easement interest and a temporary construction easement interest in a portion of real property located at 700 Cesar Chavez Boulevard, 721-781 Railroad Boulevard, and 438 Grant Street, in the City of Calexico, Imperial County, California, and known as a portion of Assessor's Parcel Numbers 058-334-002 and 058-334-005 ("Subject Property"), for the Cesar Chavez Boulevard Improvement Project; and

WHEREAS, Gasolinera Cesar Chavez, Inc. ("Owner") is the owner of the Subject Property; and

WHEREAS, the City's independent appraiser valued the Subject Property at \$6,800 ("Appraised Value"); and

WHEREAS, on October 13, 2015, the City filed a complaint in eminent domain against the Owner of the Subject Property, but the City subsequently reached a settlement of this matter with the Owner for the Appraised Value; and

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

WHEREAS, Government Code section 27281 allows a City Council to adopt a Resolution authorizing the execution of a Certificate of Acceptance on its behalf; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Calexico hereby consents to the City's execution of the Right Of Way Contract with Gasolinera Cesar Chavez, Inc. to acquire the Subject Property for the Project, a copy of which is attached hereto as **Exhibit A**, as well as the City's execution and recordation of Certificate(s) of Acceptance for the Slope Easement and a Temporary Construction Easement dated November 5, 2015, attached hereto as **Exhibits B** and **C** respectively, in accordance with Government Code section 27281.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2015.

Joong S. Kim, Mayor

Attest:

Gabriela T. Garcia, Deputy City Clerk

Approved as to Form:

Carlos Campos, Interim City Attorney

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

I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico, California do hereby certify that above and foregoing Resolution No. 2015- __ was duly passed, approved and adopted by the City Council at its regular meeting held on the 1ST of December, 2015 by the following vote to-wit:

AYES:
NOES:
ABSENT:

Gabriela T. Garcia, Deputy City Clerk

EXHIBIT A

APN: 058-334-002 & 005

District	County	Route	P.M. (KP)	E. A.	Program	Fed. Ref.	Name	Parcel
	Imperial						Gasolinera Cesar Chavez Inc.	

Calexico, California

November 5, 2015

GASOLINERA CESAR CHAVEZ, INC., a

Delaware Corporation

Grantor

RIGHT OF WAY CONTRACT

Documents in the form of an Easement Deed (Slope) and Temporary Construction Easement to the City of Calexico (collectively, the "Documents") covering the property described in Exhibit "A" and depicted in Exhibit "B" (collectively the "Property"), attached hereto and made a part hereof, have been executed and delivered to Deryl L. Neal, Right of Way Consultant.

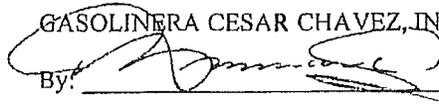
In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement and the obligations under the Documents constitute the entire consideration for Grantor entering into the Documents
- (B) City of Calexico requires the slope easement described in Exhibit "A" for roadway purposes, a public use for which City of Calexico has the authority to exercise the power of eminent domain. Grantor is compelled to sell, and City of Calexico is compelled to acquire said property.
- (C) Both Grantor and City of Calexico recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation. The compensation set forth herein for the property is in compromise and settlement, in lieu of such litigation.
2. City of Calexico shall:
 - (A) Pay the undersigned Grantor the sum of \$6,800.00 for the interest conveyed by the Easement Deed when said interest vests in the City of Calexico.
 - (B) Pay all escrow and recording fees incurred in this transaction, and if title insurance is desired by the City of Calexico, the premium charged therefore. Said escrow and recording charges shall not, however, include documentary transfer tax to the extent the transaction or grantee is exempt. This transaction will be handled through an escrow with Stewart Title Company of California, Escrow No. 01180-145279, located at 8950 Cal Center Drive, Bldg. 3, Suite 100, Sacramento, CA 95928.
 - (C) Have the authority to deduct and pay from the amount shown on Clause 2(A) above, any amount necessary to satisfy any delinquent real property taxes due in any year with respect to the Property except the year in which this escrow closes, together with penalties and interest thereon, and/or delinquent assessments with respect to the Property which have become a lien at the close of escrow.

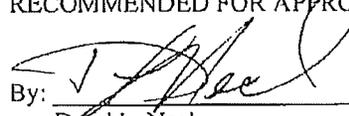
No Obligation Other Than Those Set Forth Herein Will Be Recognized

3. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the City of Calexico, including the right to remove and dispose of improvements, shall commence upon recordation of the Documents by the City of Calexico, and that the amount shown in Clause 2(A) herein together with the Documents includes, but is not limited to, full payment for such possession and use.
4. It is understood and agreed by and between the parties hereto that included in the amount payable under Clause 2(A) above is payment in full to compensate Grantor for the following improvements in the permanent easement area: 158± LF concrete curbing, four (4) medium landscaping trees, and 233± SF landscaping sod.
5. Grantor represents that it is not a party to any oral or written leases on all or any portion of the Property exceeding a period of one month, and Grantor agrees to hold the City of Calexico harmless and reimburse the City of Calexico for any and all of its losses and expenses occasioned by reason of any breach of the foregoing representation. Grantor acknowledges that a quitclaim deed will be required from any lessee that has a lease term exceeding one month. Said quitclaim deeds are to be provided to Title by Grantor, prior to the close of escrow.
6. The City of Calexico agrees to indemnify, defend and hold harmless the undersigned Grantor from any liability arising out of the City of Calexico's operations under this agreement and in the easement areas. The City of Calexico further agrees to assume responsibility for any damages proximately caused by reason of the City of Calexico's operations under this agreement and in the easement areas and the City of Calexico will, at its option, either repair or pay for such damage.
7. It is understood and agreed by and between the parties hereto that this Agreement inures to the benefit of, and is binding on, the parties, their respective heirs, personal representatives, and successors.

In Witness Whereof, the Parties vested have executed this agreement the day and year first above written.

GASOLINERA CESAR CHAVEZ, INC.
By: 
Print Name: Yvelisse Diaz
Title: Vice President

Date: November 5, 2015

RECOMMENDED FOR APPROVAL:
By: 
Deryl L. Neal
Right of Way Consultant

ACCEPTED:

CITY OF CALEXICO
By: _____

No Obligation Other Than Those Set Forth Herein Will Be Recognized

EXHIBIT "A"
SLOPE EASEMENT
APN 058-334-002 & 058-334-005

THAT PORTION OF BLOCK 39 OF THE FIRST ADDITION TO CALEXICO, IN THE CITY OF CALEXICO, ACCORDING TO MAP THEREOF NO 935 IN BOOK 1, PAGE 17, OF OFFICIAL MAPS, ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 1.80 FEET, MEASURED AT RIGHT ANGLES, OF LOTS 1 AND 2 OF SAID BLOCK 39. THE SIDELINES OF SAID STRIP OF LAND TO BE LENGTHENED OR SHORTENED SO AS TO TERMINATE IN THE NORTH LINE OF SAID LOT 1 AND THE SOUTH LINE OF SAID LOT 2.

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TOTAL AREA = 233 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
APN 058-334-002 & 058-334-005

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SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354





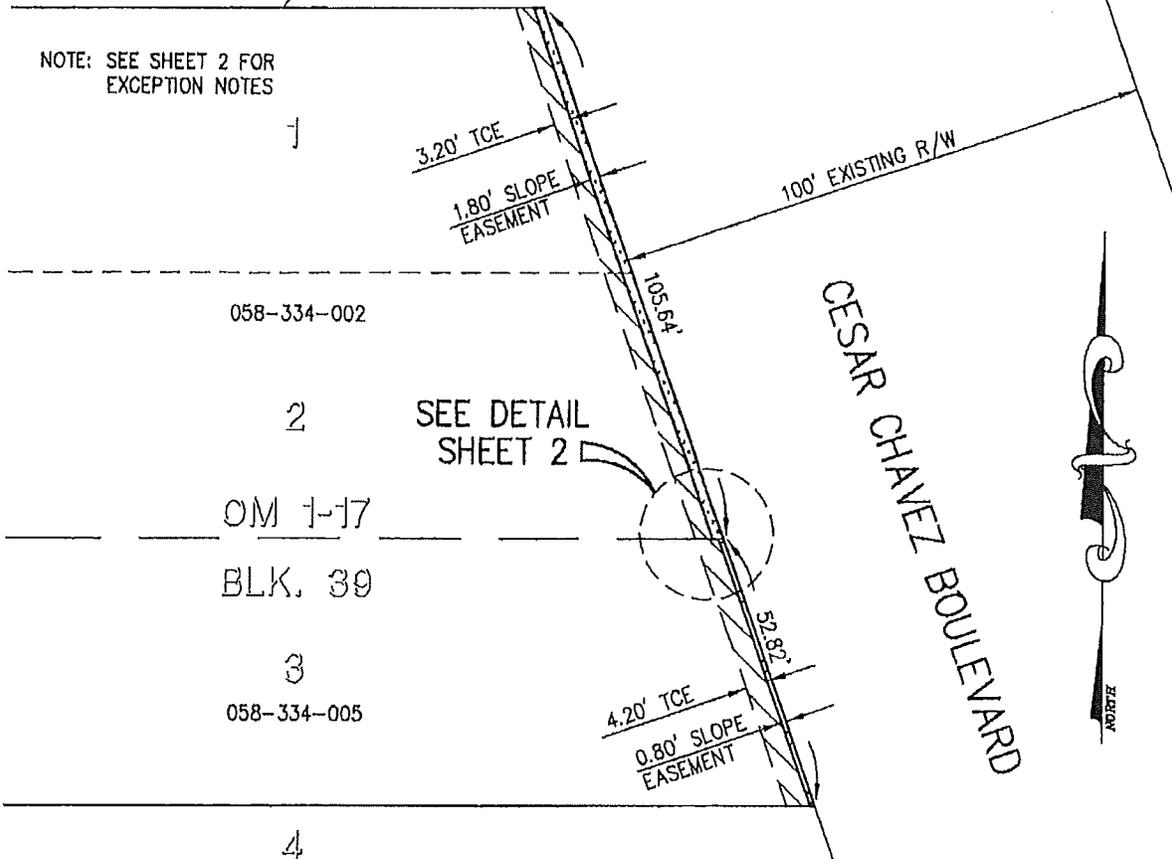
EXHIBIT "B"

GRANT STREET



EXISTING
RIGHT-OF-WAY

NOTE: SEE SHEET 2 FOR
EXCEPTION NOTES



LEGEND



SLOPE EASEMENT
AREA = 233 SQ. FT., MORE OR LESS



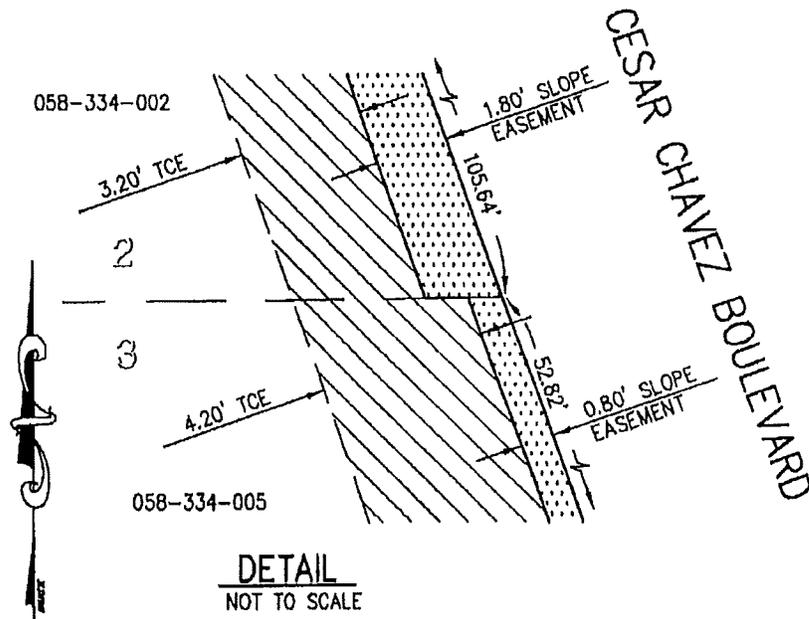
TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 559 SQ. FT., MORE OR LESS

SHEET 1 OF 2 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-334-002 & 058-334-005 GASOLINERA CESAR CHAVEZ INC.	SCALE 1" = 30'
DRAWN BY: KA	DATE: 2-9-15		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

APN 058-334-002 & -005 EXCEPTION NOTES:

1. RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS, LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)
2. A DOC. REC. 2/20/1947 IN BK. 671 PG. 510 O.R. RESERVES VARIOUS EASEMENTS AND RIGHT OF WAYS OF RECORD USED BY IMPERIAL IRRIGATION DISTRICT AND IS NOT PLOTTABLE.
3. A DOC. REC. 6/2/1987 IN BK. 1581 PG. 1714 O.R. INCLUDES RIGHTS OR EASEMENTS FOR INGRESS AND EGRESS RESERVED TO THE GRANTORS AND IS NOT PLOTTABLE.
4. AN AGREEMENT FOR APPURTENANT DRIVEWAY, DRAINAGE AND UTILITY EASEMENT REC. 2/25/2014 AS DOC. #2014003628 O.R.



LEGEND

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AREA = 233 SQ. FT., MORE OR LESS
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SHEET 2 OF 2 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-334-002 & 058-334-005 GASOLINERA CESAR CHAVEZ INC.	SCALE N.T.S.
DRAWN BY: KA	DATE: 2-9-15		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

EXHIBIT B

Recorded at the request of
City of Calexico

When Recorded Mail to:
Public Works Director
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Space above this line for Recorder's Use

This document is recorded for the benefit of the City of Calexico and is therefore exempt from the payment of a recording fee pursuant to Government Code Section 27383 or filing fee pursuant to Government Code Section 6103, and from the payment of the documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

PROJECT SECTION

COUNTY CODE

17 & 18
PARCEL#

058-334-002 & 005
APN(s)

EASEMENT DEED

(SLOPE)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GASOLINERA CESAR CHAVEZ, INC., a Delaware corporation ("GRANTOR"), hereby grants to City of Calexico ("GRANTEE") and its successors, a (subject to the remainder of this agreement) permanent slope easement in, upon, under, over, through, across and along that Real Property situated in the City of Calexico, County of Imperial, State of California, more particularly described and shown as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B" ATTACHED
HERETO AND MADE A PART HEREOF.

TOGETHER WITH the right to enter upon said Real Property and to use equipment and material thereon by agents and employees of said GRANTEE whenever necessary for the purpose of constructing, reconstructing, maintaining, repairing, reconfiguring, changing the grade of, changing the size of, adding to, or removing, using, inspecting, operating or repairing from time to time said Slope;

Grantee agrees to indemnify, defend and hold harmless Grantor from any liability arising out of Grantee's operations under this agreement and in the easement areas. Grantee further agrees to assume responsibility for any damages proximately caused by reason of Grantee's operations under this agreement and in the easement areas and Grantee will, at its option, either repair or pay for such damage

PROJECT SECTION

COUNTY CODE

PARCEL #

APN(S)

Grantee acknowledges and agrees that Grantor will maintain all rights to use the slope easement area in connection with operating the remaining property owned by Grantor so long as the same does not materially interfere with the slope easement granted herein. For purposes of example only, Grantor will be permitted to cross the slope easement area to connect to utilities located in Cesar Chavez Boulevard and to provide ingress and egress to the property owned by Grantor.

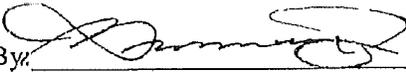
Grantee further acknowledges that none of Grantor's rights pursuant to that certain Driveway, Drainage and Utility Easement Agreement dated February 24, 2014, and recorded in the Official Records of Imperial County on February 25, 2015, as Instrument No. 2014003628 will be affected, altered or diminished by this agreement or the other activities related to Grantee's Cesar Chavez Improvement Project.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this 5th day of November 2015

GRANTOR(s)

GASOLINERA CESAR CHAVEZ, INC.

By: 

Print Name: Yvelisse Diaz

Title: Vice President

EXHIBIT "A"
SLOPE EASEMENT
APN 058-334-002 & 058-334-005

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TOTAL AREA = 233 SQUARE FEET, MORE OR LESS

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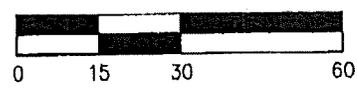
SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7364



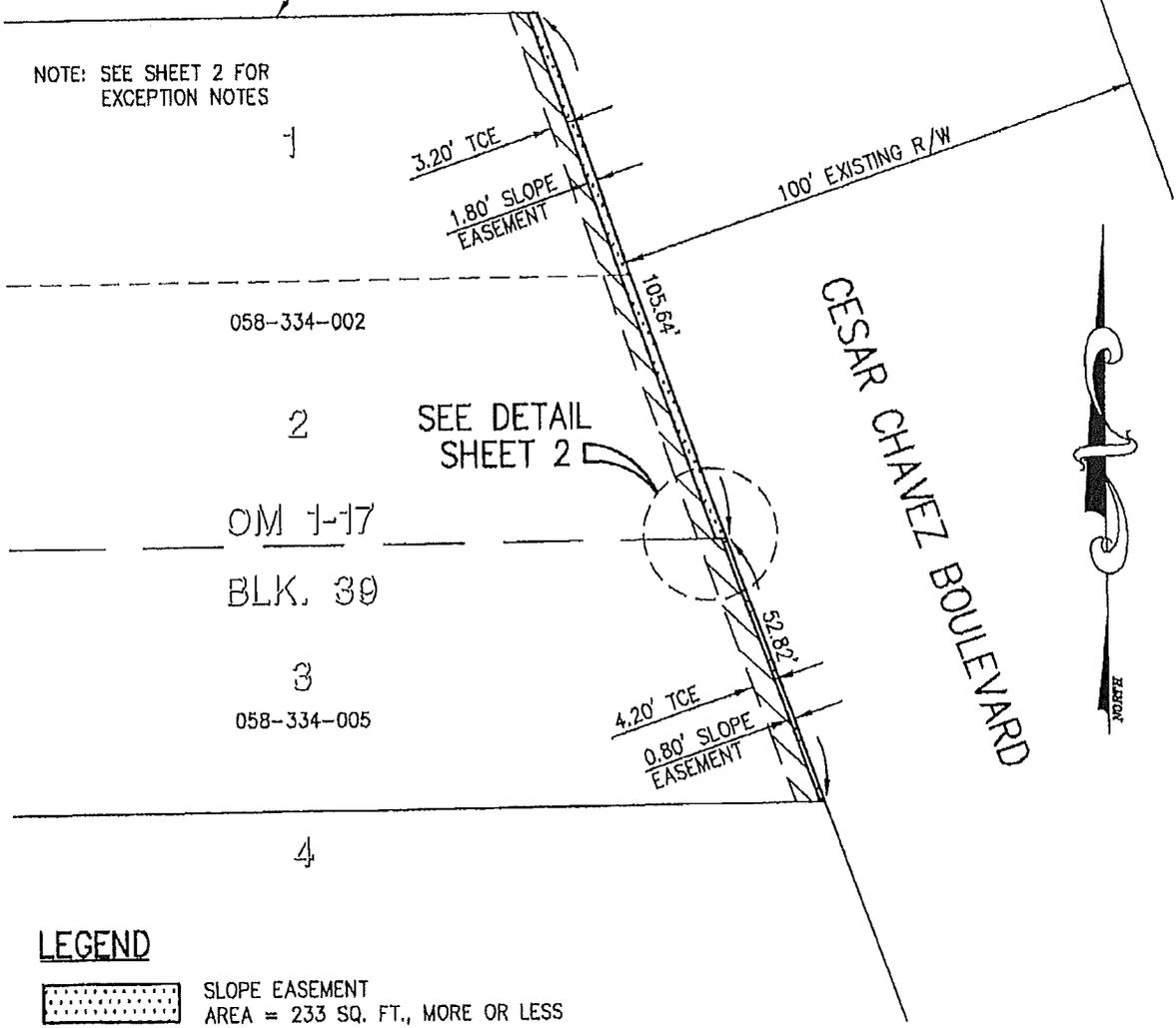


EXHIBIT "B"

GRANT STREET



NOTE: SEE SHEET 2 FOR EXCEPTION NOTES



LEGEND

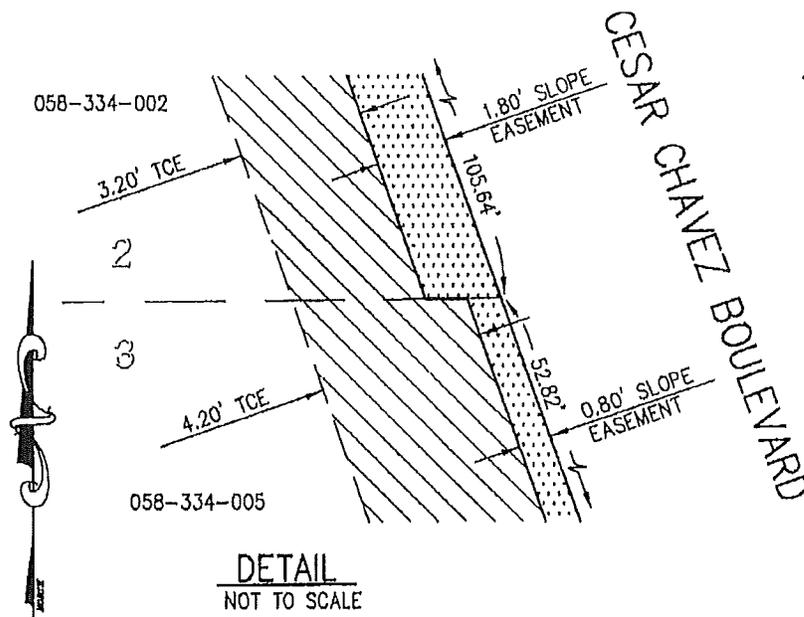
- SLOPE EASEMENT
AREA = 233 SQ. FT., MORE OR LESS
- TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 559 SQ. FT., MORE OR LESS

SHEET 1 OF 2 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-334-002 & 058-334-005 GASOLINERA CESAR CHAVEZ INC.	SCALE 1" = 30'
DRAWN BY: KA	DATE: 2-9-15		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

APN 058-334-002 & -005 EXCEPTION NOTES:

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3. A DOC. REC. 6/2/1987 IN BK. 1581 PG. 1714 O.R. INCLUDES RIGHTS OR EASEMENTS FOR INGRESS AND EGRESS RESERVED TO THE GRANTORS AND IS NOT PLOTTABLE.
4. AN AGREEMENT FOR APPURTENANT DRIVEWAY, DRAINAGE AND UTILITY EASEMENT REC. 2/25/2014 AS DOC. #2014003628 O.R.



LEGEND

-  SLOPE EASEMENT
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SHEET 2 OF 2 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-334-002 & 058-334-005 GASOLINERA CESAR CHAVEZ INC.	SCALE N.T.S.
DRAWN BY: KA	DATE: 2-9-15		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Florida
County of Broward

On November 5, 2015, before me, David Taney, Notary Public,
Name and Title of Officer

personally appeared Yvelisse Diaz,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature David Taney (Seal)
Signature of Notary Public

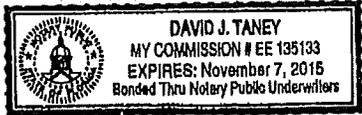


EXHIBIT C

Project Section

County Code

Parcel #

058-334-002 & 005

APN

TEMPORARY CONSTRUCTION EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GASOLINERA CESAR CHAVEZ, INC., a Delaware corporation ("GRANTOR"), hereby grants to City of Calexico ("GRANTEE") and its successors, a temporary, non-exclusive construction easement over, upon and across all that real property, or interest therein, situated in the City of Calexico, County of Imperial, State of California, more particularly described and shown as follows:

**FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B" ATTACHED
HERETO AND MADE A PART HEREOF.**

This Temporary Construction Easement shall be for the purpose of construction activities related to the **City of Calexico Cesar Chavez Improvement Project** including, but not limited to use for ingress and egress, parking of vehicles and all other activities whatsoever in nature incidental to ingress and egress for the construction of the specified project.

Grantee agrees to indemnify, defend and hold harmless Grantor from any liability arising out of Grantee's operations under this agreement in the easement areas. Grantee further agrees to assume responsibility for any damages proximately caused by reason of Grantee's operations under this agreement and in the easement areas and grantee will, at its option, either repair or pay for such damage.

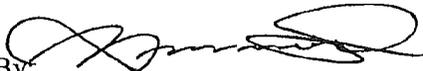
This Temporary Construction Easement shall be for a period not to exceed twelve (12) months, commencing upon Grantor's receipt of written Notice of Commencement of Construction from Grantee. Grantor agrees that prior to the expiration of the TCE, Grantee has a one-time option to extend the term of the TCE as to the entire TCE area, or any portion thereof for up to an additional 6 months. The rate for the extended use of the TCE area shall be \$0.0334 per square foot per month. Grantee shall provide Owner with notice of its intent to extend the term of the TCE at least thirty (30) days prior to the expiration of the TCE.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this 5th day of November 2015

GRANTOR(s)

GASOLINERA CESAR CHAVEZ, INC.

By: 

Print Name: Yvelisse Diaz

Title: Vice President

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
APN 058-334-002 & 058-334-005

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TOTAL AREA = 559 SQUARE FEET, MORE OR LESS

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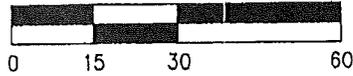
SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A HAVENER DATE
PLS 7354





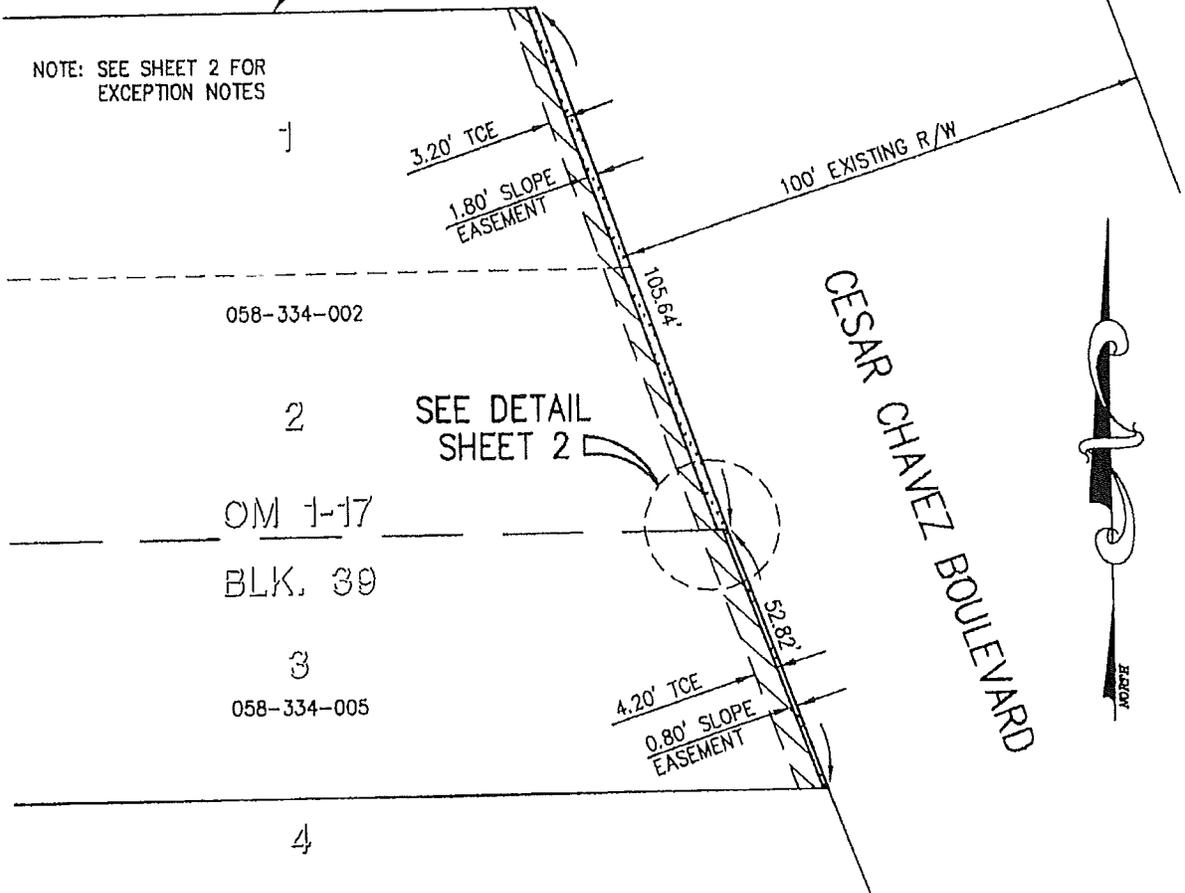
EXHIBIT "B"

GRANT STREET



EXISTING
RIGHT-OF-WAY

NOTE: SEE SHEET 2 FOR
EXCEPTION NOTES



058-334-002

2

SEE DETAIL
SHEET 2

OM 1-17

BLK. 39

3

058-334-005

4

CESAR CHAVEZ BOULEVARD

LEGEND



SLOPE EASEMENT
AREA = 233 SQ. FT., MORE OR LESS



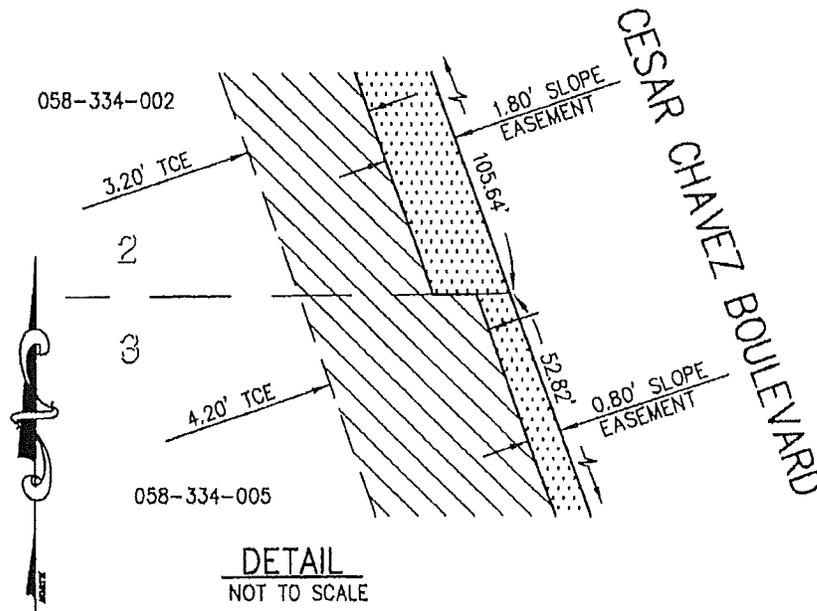
TEMPORARY CONSTRUCTION EASEMENT (TCE)
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SHEET 1 OF 2 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO	SCALE 1" = 30'
DRAWN BY: KA	DATE: 2-9-15		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG NO.
APPROVED BY:	DATE:		
		CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-334-002 & 058-334-005 GASOLINERA CESAR CHAVEZ INC.	

APN 058-334-002 & -005 EXCEPTION NOTES:

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SHEET 2 OF 2 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-334-002 & 058-334-005 GASOLINERA CESAR CHAVEZ INC.	SCALE N.T.S.
DRAWN BY: KA	DATE: 2-9-15		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Florida
County of Broward

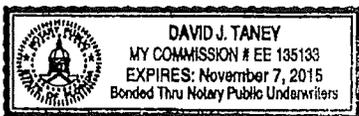
On November 5, 2015, before me, David Taney, Notary Public,
Name and Title of Officer

personally appeared Yvelisse Diaz,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

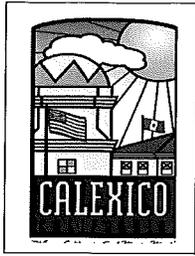
WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)
Signature of Notary Public



**AGENDA
ITEM**

8



AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager

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

SUBJECT: Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Real Property Located at 926 Cesar Chavez Boulevard, Calexico, California 92231 (APN 058-244-001) for the Purposes of the Cesar Chavez Boulevard Improvement Project (**ZUNIGA**)

=====

Recommendation:

Adopt Resolution finding that the public interest and necessity require the acquisition of various portions of real property located at 926 Cesar Chavez Boulevard, Calexico, California 92231 (Assessor's Parcel Number ("APN") 058-244-001) ("Property"), for the purposes of widening and improving Cesar Chavez Boulevard, pursuant to the proposed Cesar Chavez Boulevard Improvement Project ("Project").

Background:

In order to accommodate the Project as proposed, City Staff has undertaken preliminary investigations required to identify and attempt to acquire the Property needed to accommodate the Project. Pursuant to applicable requirements of law, the City had the property interests it proposed to acquire appraised. The appraisal resulted in an offer letter being sent to the property owners pursuant to Government Code section 7267.2.

City Staff has attempted to undertake negotiations with the Property owners, but to date has not been able to secure a final agreement for transfer of the Property by way of negotiated agreement. Staff will continue to pursue discussions with the Property owners, regardless of the City Council's actions with respect to the proposed Resolution this evening, in an attempt to reach mutually agreeable terms for such a negotiated transfer.

**AGENDA
ITEM**
8

Discussion:

The Resolution before the City Council this evening is a resolution of necessity under California Code of Civil Procedure sections 1245.210, *et seq.* Such a resolution must be considered, and approved, by the legislative body prior to any exercise of eminent domain to acquire property. The resolution must be passed by a two-thirds majority, or four affirmative votes of the members of the City Council.

The California Eminent Domain Law provides the findings that must be made in a resolution of necessity. These are:

1. That the public interest and necessity require the project for which the property is proposed to be acquired;
2. That the project is planned in a manner that will create the greatest public good and the least private injury;
3. That the property proposed to be acquired is necessary for the project; and
4. That the offer required by Government Code section 7267.2 has been made to the owners of record.

In addition, the City Council is being asked to make the finding that the City has met all other procedural prerequisites to the exercise of eminent domain on the Property, including a determination that the Project was reviewed under applicable environmental review procedures.

The amount of compensation due for the property interests involved is not a subject of the Resolution, and therefore not before the City Council as an issue to be considered as part of this Resolution.

The Property owners, and/or their representatives, have a right to appear and be heard on the matters encompassed within the Resolution affecting their Property. As required by the California Eminent Domain Law, the Property owners were given notice of the City's consideration of the Resolution, and notified of their opportunity to appear and be heard on whether the City has undertaken all required steps and met all procedural prerequisites to the exercise of eminent domain to acquire the property interests proposed to be taken. As of the date of writing this report, the Property owners have not contacted the City to inform it that they desire to be heard at the meeting.

The facts supporting the various findings included with the Resolution are recited in more detail in the text of the Resolution itself. Generally, the public interest and necessity require the Project, in that the Project is designed to relieve regional traffic congestion and improve the capacity of the street. The Project is located in a manner most compatible with the greatest public good and least private injury, in that the design of the roadway widening must of necessity occupy land which is immediately adjacent to the existing roadway, in order to maintain the continuity of the alignment of the road for all users. The Property to be taken for the Project is necessitated and established by the street alignment in an effort to minimize any disproportionate burden or impact of the required Property being taken. The Project is designed in a manner compatible with the

greatest public good, in that the Project will involve road widening, along with the installation of a public sidewalk and drainage improvements. This will enhance the utility of the area and help improve traffic circulation.

On August 10, 2015, the Planning Commission of the City of Calexico determined that the City's purchase of the Property is consistent with the City's General Plan pursuant to Government Code section 65402.

The City Council has the option of either passing, or refusing to pass, the proposed Resolution. If the Resolution is passed, City Staff and Special Counsel will proceed to initiate eminent domain proceedings, which ultimately would lead to a determination of the fair market value of the property interests proposed to be taken through court proceedings. If the City Council does not pass the Resolution, the City can either (i) commit to acquiring the identified Property from the owners only by negotiated acquisition, (ii) decide not to implement the Project, or (iii) provide alternative direction to Staff.

Based on all the foregoing, and on the matters recited in more detail in the Resolution itself, City Staff requests that the City Council adopt the Resolution.

Fiscal Impact:

The eminent domain proceedings will ultimately lead to a determination of the fair market value of the property interests proposed to be taken. Notably, however, the City had the Property appraised for purposes of its Government Code section 7267.2 offer. The City's independent appraiser valued the property interests at \$5,600 as of February 18, 2015. Additional costs will be incurred in legal fees, appraisal fees and court costs relating to the initiation of eminent domain proceedings if the Resolution is approved and the matter proceeds to court.

Environmental Analysis:

The environmental impacts of the Project were reviewed in connection with the Mitigated Negative Declaration for the Cesar Chavez Boulevard Improvement Project, approved June 2, 2013.

Coordinated With:

Bender Rosenthal and Best Best & Krieger LLP

Attachment:

1. Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Portions of Real Property Located at 926 Cesar Chavez Boulevard, Calexico, California 92231 (APN 058-244-001) for the Purposes of the Cesar Chavez Boulevard Improvement Project.
2. Letter to Ernest and Connie Zuniga dated November 12, 2015, giving Notice of Hearing Re: Adoption of Resolution of Necessity to Acquire

Property by Eminent Domain (California Code of Civil Procedure section 1245.235).

3. Letter to Ernest and Connie Zuniga dated April 21, 2015 regarding the City of Calexico's Offer to Purchase a portion of Assessor's Parcel No. 058-244-001.

ATTACHMENT 1

RESOLUTION NO. 2015-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO FINDING AND DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUIRING AND AUTHORIZING THE CONDEMNATION OF PORTIONS OF REAL PROPERTY LOCATED AT 926 CESAR CHAVEZ BOULEVARD, CALEXICO, CALIFORNIA 92231 (APN 058-244-001) FOR THE PURPOSES OF THE CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT

WHEREAS, the City of Calexico ("City") has been investigating the potential acquisition of various portions of real property located at 926 Cesar Chavez Boulevard, Calexico, California 92231 (Assessor's Parcel Number ("APN") 058-244-001) ("Subject Property"), for the purpose of the Cesar Chavez Boulevard Improvement Project ("Project") consistent with the circulation element of the General Plan of the City.

WHEREAS, after no less than fifteen (15) days written notice to the owners of the Subject Property referenced above, and more specifically described and depicted in Exhibits "A-1," "A-2," "A-3," which legal descriptions and depictions are incorporated herein by reference, the City Council of the City of Calexico, on December 1, 2015, held a hearing for the purposes of allowing the record owners of the Subject Property reasonable opportunity to appear and be heard regarding the City's identification of the Project, and on the following matters:

- A. Whether the public interest and necessity require the Project;
- B. Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- C. Whether the Subject Property proposed to be acquired is necessary for the Project;
- D. Whether the offer required by Government Code section 7267.2 has been given to the owners of record; and
- E. Whether the City has properly exercised all of its statutory responsibilities and duties antecedent to the exercise of eminent domain against the Subject Property, including review under CEQA.

WHEREAS, the City Council, as a result of such hearing, has determined that the public health, safety and welfare require that the City acquire the Subject Property, for the purposes of widening and improving Cesar Chavez Boulevard, pursuant to the Project.

WHEREAS, the Project was reviewed under applicable environmental review procedures, including Mitigated Negative Declaration for the Cesar Chavez Boulevard Improvement Project, approved June 2, 2013.

WHEREAS, the City is hereby authorized and empowered to acquire a fee title and other interests in and to the Subject Property by eminent domain for the proposed Project in accordance with Code of Civil Procedure section 1230.010 *et seq.*, Government Code sections 37350.5 and 40404, the California Constitution, and California Eminent Domain Law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calexico, California, that the City Council does hereby find, determine and declare upon evidence presented to the City Council as follows:

SECTION 1. The Project for which the Subject Property is being acquired is the Cesar Chavez Boulevard Improvement Project, which consists of widening and improving Cesar Chavez Boulevard, including the installation of a public sidewalk, curb and gutter.

SECTION 2. The Subject Property to be acquired is located on Cesar Chavez Boulevard, Calexico, California 92231 (APN 058-244-001). The portions of the Subject Property that the City seeks to acquire, and the property interests sought, consist of the following:

- A. A fee simple title to approximately 1,038 square feet of the Subject Property, as more specifically described and depicted in Exhibit "A-1" attached hereto.
- B. A slope easement consisting of approximately 106 square feet, as more specifically described and depicted in Exhibit "A-2" attached hereto.

The slope easement shall consist of the interest described below:

The slope easement is a nonexclusive easement which permits the City of Calexico, its officers, agents, employees, and contractors, to enter upon, occupy and pass over the slope easement area more specifically described in the legal description, attached as Exhibit "A-2" and to use equipment and material thereon whenever necessary for the purpose of constructing, reconstructing, maintaining, repairing, reconfiguring, changing the grade of, changing the size of, adding to, or removing, using, inspecting, operating or repairing from time to time a slope, together with the right to enter upon and use such land adjoining said easement as is reasonably necessary for ingress and egress to access the easement for said purpose. The right to maintain landscaping within the slope easement area is reserved to the underlying fee owner to the extent such landscaping does not interfere with the City's rights herein defined and does not interfere with the continued integrity of the slope. Any and all access at the location of the existing driveways within the slope easement area providing vehicular and pedestrian access between the larger parcel of property of which the slope easement area is part and surrounding roads shall be preserved/maintained.

- C. A temporary construction easement consisting of approximately 163 square feet, as more specifically described and depicted in Exhibit "A-3" attached hereto.

The temporary construction easement shall consist of the interests described below:

The temporary construction easement is a nonexclusive easement which permits the City of Calexico, its officers, agents, employees, and contractors, to enter upon, occupy, and pass over the temporary construction easement area more specifically described in the legal description, attached as Exhibit "A-3" as deemed reasonably necessary for all purposes incidental to the Project. The temporary construction easement shall include the right to perform within the temporary construction easement area, any necessary excavation, grading, earth fill, compaction, installation of concrete forms, landscaping, irrigation, utility, and sign relocation, accommodation of private drainage facilities, and deposit of tools, equipment, and material for all such necessary activities which are reasonably incidental to the work being performed on said property in connection with the Project.

The temporary construction easement shall not include the right to store any materials or park any vehicles which are not incidental to the work to be performed on site in connection with the Project, nor to block all vehicular access to the larger parcel of the property of which the temporary construction easement area is a part, nor exercise the uses of the easement outside of the temporary construction easement area.

The rights granted hereunder shall commence fourteen (14) days after written notification owners of the Subject Property of the commencement of construction of the Project and shall continue in full force and effect until written notice to the owners of record that the temporary construction easement is no longer needed by the City, or twelve (12) months after notice of the initiation of the temporary construction easement, whichever is earlier. Upon termination of the temporary construction easement, the temporary construction easement area shall be restored to a condition that is as functionally equivalent as is practicable to its condition prior to the commencement of the work, consistent with the Project as designed and as to be constructed.

SECTION 3. The public interest and necessity require the Project, in that the Project is designed to relieve regional traffic congestion and improve the capacity of the street.

SECTION 4. The Project is located in a manner most compatible with the greatest public good and least private injury, in that the design of the roadway widening must of necessity occupy land which is immediately adjacent to the existing roadway, in order to maintain the continuity of the alignment of the road for all users. The Subject Property to be taken for the Project is necessitated and established by the street alignment in an effort to minimize any disproportionate burden or impact of the required property being taken from the individual property owners. The Project is designed in a manner compatible with the greatest public good, in that the Project will involve road widening, along with the installation of a public sidewalk and drainage improvements. This will enhance the utility of the area and help improve traffic circulation.

SECTION 5. The Subject Property is necessary for the proposed Project, in that the roadway widening must occur on property immediately adjacent to the existing roadway.

SECTION 6. The offer required by Government Code section 7267.2(a), together with the accompanying statement of and summary of the basis for the amount established as just compensation, was made to the record owners by way of a letter dated April 21, 2015. City Staff has attempted to negotiate with the record owners subsequent to this offer, but such negotiations have not proved successful in securing the necessary property interests outside of more formal proceedings.

SECTION 7. If and to the extent any portion of the Subject Property is already devoted to a public use, the proposed Project is a more necessary public use pursuant to California Code of Civil Procedure sections 1240.610 *et seq.*

SECTION 8. On August 10, 2015, the Planning Commission of the City of Calexico determined that the City's purchasing of the Subject Property is consistent with the City's General Plan pursuant to Government Code section 65402. Alternatively, the City Council determines that the provisions of Government Code section 65402 shall not apply to the purchasing of the Subject Property for purposes of the street widening Project pursuant to subdivision (a) of that section.

SECTION 10. The law firm of Best Best & Krieger LLP is hereby authorized to prepare and prosecute in the name of the City such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to acquire for the City the Subject Property, including the improvements thereon. Said attorneys are specifically authorize to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2015.

Joong S. Kim, Mayor

Attest:

Gabriela T. Garcia, Deputy City Clerk

Approved as to Form:

Carlos Campos, Interim City Attorney

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

I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico, California do hereby certify that above and foregoing Resolution No. 2015- __ was duly passed, approved and adopted by the City Council at its regular meeting held on the 1ST of December, 2015 by the following vote to-wit:

AYES:
NOES:
ABSENT:

Gabriela T. Garcia, Deputy City Clerk

EXHIBITS:

Exhibit A-1 [legal description of fee acquisition]

Exhibit A-2 [legal description of slope easement]

Exhibit A-3 [legal description of temporary construction easement]

EXHIBIT A - 1

[LEGAL DESCRIPTION OF FEE ACQUISITION]

Recorded at the request of
City of Calexico

When Recorded Mail to:
Public Works Director
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Space above this line for Recorder's Use

This document is recorded for the benefit of the City of Calexico and is therefore exempt from the payment of a recording fee pursuant to Government Code Section 27383 or filing fee pursuant to Government Code Section 6103, and from the payment of the documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

PROJECT SECTION

COUNTY CODE

PARCEL#

1
058-244-001

APN

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, ERNEST ZUNIGA and CONNIE C. ZUNIGA, husband and wife as joint tenants, ("GRANTOR") hereby grants to City of Calexico ("GRANTEE"), its successors and assigns, all that real property, or interest therein, situated in the City of Calexico, County of Imperial, State of California, more particularly described and shown as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B" ATTACHED
HERETO AND MADE A PART HEREOF.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this ___ day of _____, 2015

GRANTOR:

Ernest Zuniga

Connie C. Zuniga

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____,
Name and Title of Officer

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)
Signature of Notary Public

EXHIBIT "A"
FEE ACQUISITION
APN 058-244-001

THAT PORTION OF BLOCK 35 OF THE FIRST ADDITION TO CALEXICO, IN THE CITY OF CALEXICO, ACCORDING TO MAP THEREOF NO. 935 IN BOOK 1, PAGE 17, OF OFFICIAL MAPS, ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID BLOCK 35;

1. THENCE ALONG THE EASTERLY LINE OF SAID BLOCK SOUTH 19°13'34" EAST 60.50 FEET AND THE BEGINNING OF A NON-TANGENT 45.00-FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 76°40'25" EAST;
2. THENCE LEAVING SAID EASTERLY LINE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9°33'01" A DISTANCE OF 7.50 FEET;
3. THENCE SOUTH 22°52'36" WEST 43.69 FEET TO THE WESTERLY LINE OF SAID BLOCK;
4. THENCE ALONG SAID WESTERLY LINE NORTH 0°20'11" WEST 104.50 FEET TO THE **POINT OF BEGINNING**.

AREA = 1,038 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354

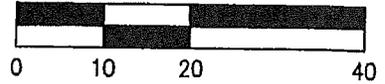


EXHIBIT "B"

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	9°33'01"	45.00'	7.50'
C2	5°50'43"	47.04'	4.80'

P.O.B.
N'LY COR.
BLK. 35

MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

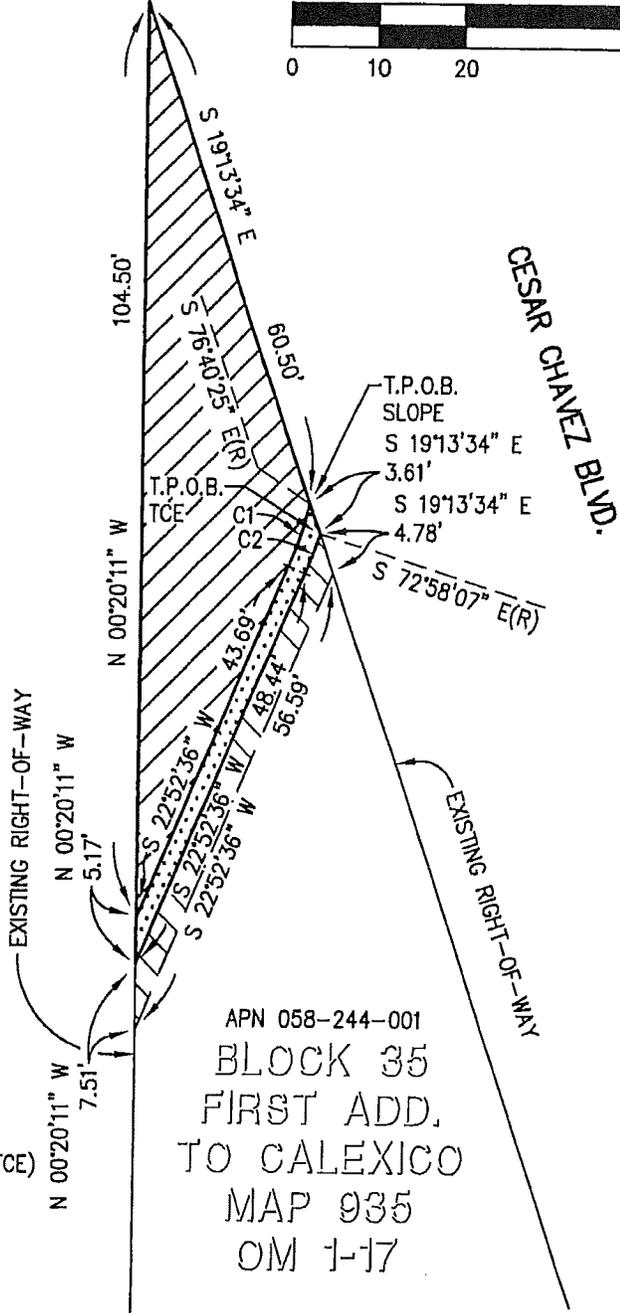


APN 058-244-001 EXCEPTION NOTES:

- RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS, LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)



PIERCE AVE.



CEESAR CHAVEZ BLVD.

LEGEND

- FEE ACQUISITION
AREA = 1,038 SQ. FT., MORE OR LESS
- SLOPE EASEMENT
AREA = 106 SQ. FT., MORE OR LESS
- TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 163 SQ. FT., MORE OR LESS
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING

APN 058-244-001
BLOCK 35
FIRST ADD.
TO CALEXICO
MAP 935
OM 1-17

SHEET 1 OF 1 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO	SCALE 1" = 20'
DRAWN BY: KA	DATE: 12-23-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15	CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-244-001 ERNEST ZUNIGA AND CONNIE C. ZUNIGA	DWG. NO.
APPROVED BY:	DATE:		

EXHIBIT A - 2

[LEGAL DESCRIPTION OF SLOPE EASEMENT]

Recorded at the request of
City of Calexico

When Recorded Mail to:
Public Works Director
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Space above this line for Recorder's Use

This document is recorded for the benefit of the City of Calexico and is therefore exempt from the payment of a recording fee pursuant to Government Code Section 27383 or filing fee pursuant to Government Code Section 6103, and from the payment of the documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

		1	058-244-001
PROJECT SECTION	COUNTY CODE	PARCEL #	APN(s)

EASEMENT DEED

(SLOPE)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, ERNEST ZUNIGA and CONNIE C. ZUNIGA, husband and wife as joint tenants, ("GRANTOR") hereby grants to City of Calexico ("GRANTEE"), its successors and assigns, a permanent Slope Easement in, upon, under, over, through, across and along that Real Property situated in the City of Calexico, County of Imperial, State of California, more particularly described and shown as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B" ATTACHED
HERETO AND MADE A PART HEREOF.

TOGETHER WITH the right to enter upon said Real Property and to use equipment and material thereon by agents and employees of said GRANTEE whenever necessary for the purpose of constructing, reconstructing, maintaining, repairing, reconfiguring, changing the grade of, changing the size of, adding to, or removing, using, inspecting, operating or repairing from time to time said Slope;

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____,
Name and Title of Officer

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)
Signature of Notary Public

EXHIBIT "A"
SLOPE EASEMENT
APN 058-244-001

THAT PORTION OF BLOCK 35 OF THE FIRST ADDITION TO CALEXICO, IN THE CITY OF CALEXICO, ACCORDING TO MAP THEREOF NO. 935 IN BOOK 1, PAGE 17, OF OFFICIAL MAPS, ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID BLOCK 35; THENCE ALONG THE EASTERLY LINE OF SAID BLOCK SOUTH 19°13'34" EAST 60.50 FEET TO THE **TRUE POINT OF BEGINNING**;

1. THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 19°13'34" EAST 3.61 FEET TO THE BEGINNING OF A NON-TANGENT 47.04-FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 72°58'07" EAST;
2. THENCE LEAVING SAID EASTERLY LINE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°50'43" A DISTANCE OF 4.80 FEET;
3. THENCE SOUTH 22°52'36" WEST 48.44 FEET TO THE WESTERLY LINE OF SAID BLOCK;
4. THENCE ALONG SAID WESTERLY LINE NORTH 0°20'11" WEST 5.17 FEET;
5. THENCE LEAVING SAID WESTERLY LINE NORTH 22°52'36" EAST 43.69 FEET TO THE BEGINNING OF A TANGENT 45.00-FOOT RADIUS CURVE CONCAVE WESTERLY;
6. THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9°33'01" A DISTANCE OF 7.50 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA = 106 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT A - 3

[LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT]

TEMPORARY CONSTRUCTION EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged ERNEST ZUNIGA and CONNIE C. ZUNIGA, husband and wife as joint tenants, ("GRANTOR") hereby grants to City of Calexico ("GRANTEE"), its successors and assigns, a temporary construction easement over, upon and across all that real property, or interest therein, situated in the City of Calexico, County of Imperial, State of California, more particularly described and shown as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF.

This Temporary Construction Easement shall be for the purpose of construction activities related to the **City of Calexico Cesar Chavez Improvement Project** including, but not limited to use for ingress and egress, parking of vehicles and all other activities whatsoever in nature incidental to ingress and egress for the construction of the specified project.

This Temporary Construction Easement shall be for a period not to exceed twelve (12) months, commencing upon Grantor's receipt of written Notice of Commencement of Construction from Grantee. Grantor agrees that upon the expiration of the TCE, Grantee has the option to extend the term of the TCE as to the entire TCE area, or any portion thereof. The rate for the extended use of the TCE area shall be \$0.0405 per square foot per month. Grantee shall provide Owner with notice of its intent to extend the term of the TCE at least thirty (30) days prior to the expiration of the TCE.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this ____ day of _____, 2015

GRANTOR(s)

Ernest Zuniga

Connie C. Zuniga

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____,
Name and Title of Officer

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)
Signature of Notary Public

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
APN 058-244-001

THAT PORTION OF BLOCK 35 OF THE FIRST ADDITION TO CALEXICO, IN THE CITY OF CALEXICO, ACCORDING TO MAP THEREOF NO. 935 IN BOOK 1, PAGE 17, OF OFFICIAL MAPS, ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID BLOCK 35; THENCE ALONG THE EASTERLY LINE OF SAID BLOCK SOUTH 19°13'34" EAST 64.11 FEET TO THE **TRUE POINT OF BEGINNING**;

1. THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 19°13'34" EAST 4.78 FEET;
2. THENCE LEAVING SAID EASTERLY LINE SOUTH 22°52'36" WEST 56.59 FEET TO THE WESTERLY LINE OF SAID BLOCK;
3. THENCE ALONG SAID WESTERLY LINE NORTH 0°20'11" WEST 7.51 FEET;
4. THENCE LEAVING SAID WESTERLY LINE NORTH 22°52'36" EAST 48.44 FEET TO THE BEGINNING OF A TANGENT 47.04-FOOT RADIUS CURVE CONCAVE WESTERLY;
5. THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°50'43" A DISTANCE OF 4.80 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA = 163 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

SIGNATURE

Michael A. Havener

4-6-2015

MICHAEL A. HAVENER
PLS 7354

DATE

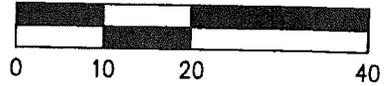


EXHIBIT "B"

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	9'33'01"	45.00'	7.50'
C2	5'50'43"	47.04'	4.80'

P.O.B.
N'LY COR.
BLK. 35

MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES



APN 058-244-001 EXCEPTION NOTES:

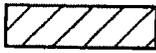
- RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS, LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)



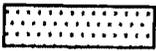
PIERCE AVE.

CESAR CHAVEZ BLVD.

LEGEND



FEE ACQUISITION
AREA = 1,038 SQ. FT., MORE OR LESS



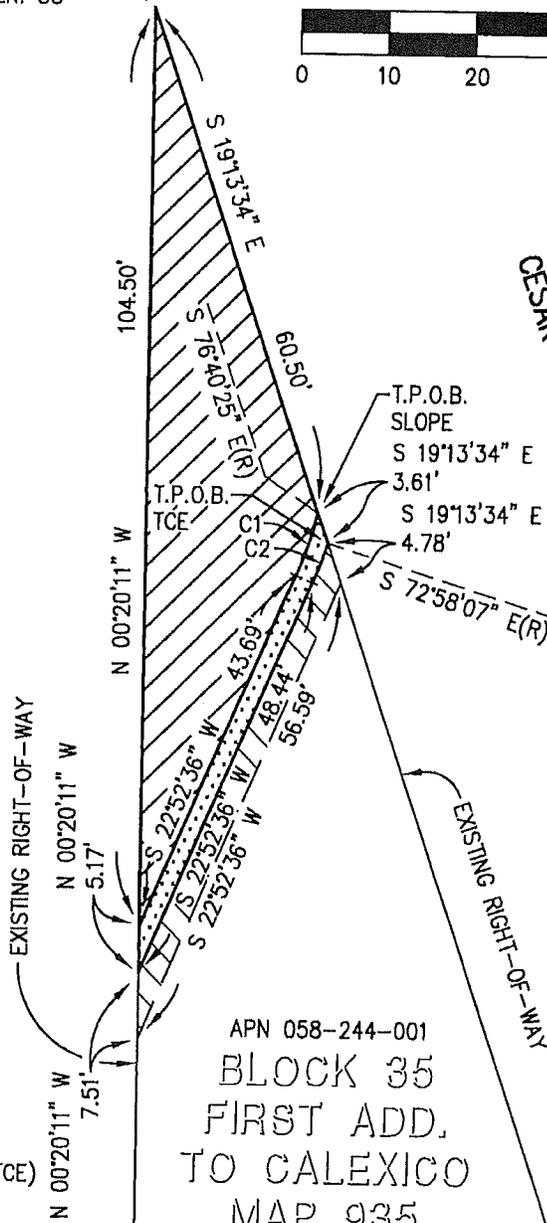
SLOPE EASEMENT
AREA = 106 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 163 SQ. FT., MORE OR LESS

P.O.B. POINT OF BEGINNING

T.P.O.B. TRUE POINT OF BEGINNING



APN 058-244-001
BLOCK 35
FIRST ADD.
TO CALEXICO
MAP 935
OM 1-17

SHEET 1 OF 1 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO	SCALE
DRAWN BY: KA	DATE: 12-23-14		1" = 20'
CHECKED BY: MH	DATE: 4-6-15		DOC. NO.
APPROVED BY:	DATE:		DWG. NO.
		CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-244-001 ERNEST ZUNIGA AND CONNIE C. ZUNIGA	

ATTACHMENT 2



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Indian Wells
(760) 568-2611

Irvine
(949) 263-2800

Los Angeles
(213) 617-8100

Ontario
(909) 989-8584

655 West Broadway, 15th Floor, San Diego, CA 92101
Phone: (619) 525-1300 | Fax: (619) 233-6118 | www.bbklaw.com

Riverside
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Sacramento
(916) 325-4000

Walnut Creek
(925) 977-3300

Washington, DC
(202) 785-0800

Bruce W. Beach
(619) 525-1335
bruce.beach@bbklaw.com
File No. 81211.00412

November 12, 2015

**VIA FIRST CLASS MAIL AND
CERTIFIED MAIL — RETURN RECEIPT REQUESTED**

Ernest and Connie Zuniga
926 Cesar Chavez Boulevard
Calexico, California 92231

Re: Notice of Hearing Re: Adoption of Resolution of Necessity to Acquire
Property by Eminent Domain, Calexico, California (APN 058-244-001)
(California Code of Civil Procedure section 1245.235)

Dear Mr. and Mrs. Zuniga:

As you are aware, the City of Calexico ("City") has made an offer to purchase a portion of your real property located at 926 Cesar Chavez Boulevard, Calexico, California 92231 (Assessor's Parcel Number ("APN") 058-244-001) ("Subject Property"), as part of its planning efforts in connection with the proposed road widening at Cesar Chavez Boulevard ("Project").

You are hereby notified that at **6:30 p.m. on December 1, 2015**, or as soon thereafter as the matter can be heard, in the City Council chambers located at 608 Heber Avenue, Calexico, California 92231, the City Council will consider the adoption of a Resolution of Necessity authorizing the City to acquire the Subject Property, which is more particularly described and depicted in Exhibit "A," through eminent domain proceedings.

You have the right to appear and be heard before the City Council at the hearing on the following matters and issues, and to have the City Council give consideration to any testimony and other information and evidence that may be offered by you with respect to the following issues, stated in Code of Civil Procedure section 1245.230(c), prior to deciding whether or not to adopt the proposed Resolution of Necessity:

- a. Whether the public interest and necessity require the proposed Project;
- b. Whether the proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ernest and Connie Zuniga
November 12, 2015
Page 2

- c. Whether the Subject Property sought to be acquired by eminent domain is necessary for the proposed Project;
- d. Whether the pre-condemnation offer required by Government Code Section 7267.2, together with the accompanying statement and summary of the basis for the amount established as just compensation, was made to the owners of record;
- e. Whether the City has statutory authority to acquire the Subject Property by eminent domain; and
- f. Whether the City has observed all required procedures, and taken all legally required actions, to acquire the Subject Property by eminent domain.

The City Council will also be asked to make a finding that the environmental impacts associated with the proposed Project have been adequately reviewed under applicable environmental review procedures, including a Mitigated Negative Declaration for the Cesar Chavez Improvement Project.

If you wish to appear at the hearing and be heard on the matters referred to above, you must file a written request with the City Clerk, 608 Heber Avenue, Calexico, California 92231, within fifteen (15) days after this notice was mailed. The date of the mailing of this notice is set forth above.

PLEASE NOTE: Failure to file a written request to appear and be heard will result in a waiver of the right to appear and be heard. The City is not obligated to give an opportunity to appear and be heard to any person who fails to file a written request.

If the Resolution of Necessity is adopted and you intend to challenge in court any of the issues or matters or determinations listed above, including in any subsequent eminent domain proceeding, you may be limited to raising only those issues and relying only upon such testimony and other information and evidence that is presented to the City Council prior to or at the hearing. Notwithstanding the foregoing, your election to not appear at the Resolution of Necessity hearing will not waive your right to claim greater compensation in a court of law than the amount of the City's pre-condemnation purchase offer.

If the City Council elects to adopt the Resolution of Necessity, then within six (6) months of adoption of the Resolution of Necessity, the City will commence eminent domain proceedings in Superior Court. If you and the City do not agree on the amount of just compensation to be paid, you have the legal right to have the compensation amount determined by the court or a jury.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ernest and Connie Zuniga
November 12, 2015
Page 3

Should you have any questions with regard to this matter, please do not hesitate to contact me at 619-525-1335.

Very truly yours,

A handwritten signature in black ink that reads "Bruce W. Beach". The signature is written in a cursive, slightly slanted style.

Bruce W. Beach
of BEST BEST & KRIEGER LLP

Exhibit A [legal description of Subject Property]

cc w/o enc.: Nick Fenley, Acting City Manager
Carlos Campos, Interim City Attorney

EXHIBIT A

EXHIBIT "A"
FEE ACQUISITION
APN 058-244-001

THAT PORTION OF BLOCK 35 OF THE FIRST ADDITION TO CALEXICO, IN THE CITY OF CALEXICO, ACCORDING TO MAP THEREOF NO. 935 IN BOOK 1, PAGE 17, OF OFFICIAL MAPS, ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHERLY CORNER OF SAID BLOCK 35;

1. THENCE ALONG THE EASTERLY LINE OF SAID BLOCK SOUTH 19°13'34" EAST 60.50 FEET AND THE BEGINNING OF A NON-TANGENT 45.00-FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 76°40'25" EAST;
2. THENCE LEAVING SAID EASTERLY LINE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9°33'01" A DISTANCE OF 7.50 FEET;
3. THENCE SOUTH 22°52'36" WEST 43.69 FEET TO THE WESTERLY LINE OF SAID BLOCK;
4. THENCE ALONG SAID WESTERLY LINE NORTH 0°20'11" WEST 104.50 FEET TO THE **POINT OF BEGINNING**.

AREA = 1,038 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6 MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "A"
SLOPE EASEMENT
APN 058-244-001

THAT PORTION OF BLOCK 35 OF THE FIRST ADDITION TO CALEXICO, IN THE CITY OF CALEXICO, ACCORDING TO MAP THEREOF NO. 935 IN BOOK 1, PAGE 17, OF OFFICIAL MAPS, ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID BLOCK 35; THENCE ALONG THE EASTERLY LINE OF SAID BLOCK SOUTH 19°13'34" EAST 60.50 FEET TO THE **TRUE POINT OF BEGINNING**;

1. THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 19°13'34" EAST 3.61 FEET TO THE BEGINNING OF A NON-TANGENT 47.04-FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 72°58'07" EAST;
2. THENCE LEAVING SAID EASTERLY LINE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°50'43" A DISTANCE OF 4 80 FEET;
3. THENCE SOUTH 22°52'36" WEST 48 44 FEET TO THE WESTERLY LINE OF SAID BLOCK;
4. THENCE ALONG SAID WESTERLY LINE NORTH 0°20'11" WEST 5 17 FEET;
5. THENCE LEAVING SAID WESTERLY LINE NORTH 22°52'36" EAST 43.69 FEET TO THE BEGINNING OF A TANGENT 45.00-FOOT RADIUS CURVE CONCAVE WESTERLY;
6. THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9°33'01" A DISTANCE OF 7.50 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA = 106 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
APN 058-244-001

THAT PORTION OF BLOCK 35 OF THE FIRST ADDITION TO CALEXICO, IN THE CITY OF CALEXICO, ACCORDING TO MAP THEREOF NO. 935 IN BOOK 1, PAGE 17, OF OFFICIAL MAPS, ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHERLY CORNER OF SAID BLOCK 35; THENCE ALONG THE EASTERLY LINE OF SAID BLOCK SOUTH 19°13'34" EAST 64.11 FEET TO THE **TRUE POINT OF BEGINNING**;

1. THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 19°13'34" EAST 4.78 FEET;
2. THENCE LEAVING SAID EASTERLY LINE SOUTH 22°52'36" WEST 56.59 FEET TO THE WESTERLY LINE OF SAID BLOCK;
3. THENCE ALONG SAID WESTERLY LINE NORTH 0°20'11" WEST 7.51 FEET;
4. THENCE LEAVING SAID WESTERLY LINE NORTH 22°52'36" EAST 48.44 FEET TO THE BEGINNING OF A TANGENT 47.04-FOOT RADIUS CURVE CONCAVE WESTERLY;
5. THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°50'43" A DISTANCE OF 4.80 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA = 163 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354

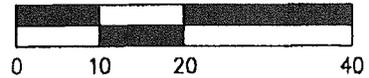


EXHIBIT "B"

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	9°33'01"	45.00'	7.50'
C2	5°50'43"	47.04'	4.80'

P.O.B.
N'LY COR.
BLK. 35

MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

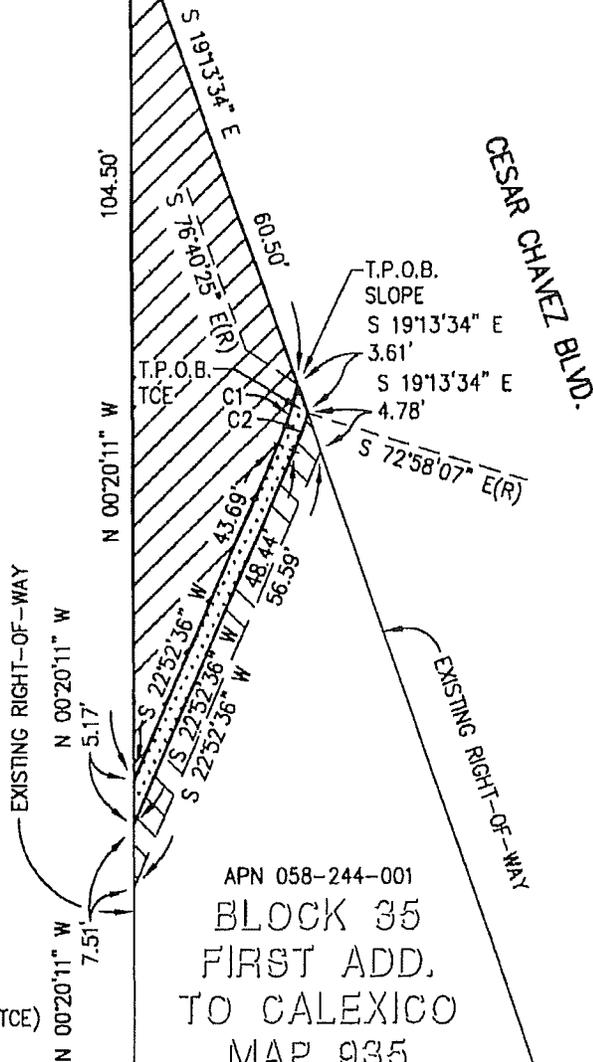


APN 058-244-001 EXCEPTION NOTES:

- RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS, LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)



PIERCE AVE.



LEGEND

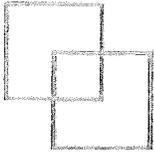
- FEE ACQUISITION
AREA = 1,038 SQ. FT., MORE OR LESS
- SLOPE EASEMENT
AREA = 106 SQ. FT., MORE OR LESS
- TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 163 SQ. FT., MORE OR LESS
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING

APN 058-244-001
BLOCK 35
FIRST ADD.
TO CALEXICO
MAP 935
OM 1-17

SHEET 1 OF 1 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO	SCALE 1" = 20'	
DRAWN BY: KA	DATE: 12-23-14		CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-244-001 ERNEST ZUNIGA AND CONNIE C. ZUNIGA	DOC. NO.
CHECKED BY: MH	DATE: 4-6-15			DWG. NO.
APPROVED BY:	DATE:			

ATTACHMENT 3



**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

April 21, 2015

Ernest & Connie Zuniga
926 Cesar Chavez Boulevard
Calexico, CA 92231

Subject: Cesar Chavez Blvd. Improvement Project — City of Calexico — Offer to Purchase
Assessor's Parcel No: 058-244-001 — located at 926 Cesar Chavez Blvd., Calexico, CA

Dear Mr. & Ms. Zuniga:

The City of Calexico is planning the Cesar Chavez Project located along Cesar Chavez Blvd, between State Route 98 and West 2nd Street, Calexico, CA. Construction of this project will require the purchase of a portion of your property located in the project area. The proposed acquisition consists a fee interest comprised of 1,038± SF, a permanent slope easement of 106± SF, and a temporary construction easement of 163±SF.

The City of Calexico has retained Bender Rosenthal Inc. to value and acquire the real property interests. Accordingly, the City has established just compensation, and hereby makes an offer of \$5,600.00 to acquire the necessary interests required for the Project. The following documents constitute the City's formal offer regarding the proposed acquisition:

1. Summary Statement Relating to Purchase of Real Property or an Interest Therein
2. Statement and Summary for Basis of Appraisal
3. Signing Instructions for Owner
4. Grant Deed
5. Permanent Slope Easement
6. Temporary Construction Easement
7. Purchase Agreement (2 copies)
8. Federal W-9 Form
9. Preliminary Title Report
10. Acquisition Brochure
11. Title VI Information Pamphlet

I am happy to answer any questions you may have regarding this matter. If you find the offer acceptable, **please sign and return** the documents in accordance with the Signing Instructions. I have included a self-addressed stamped envelope for your convenience. Copies of the documents are enclosed for your files.

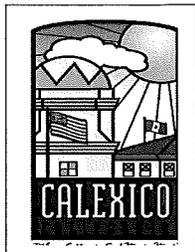
When you receive this letter, please contact me at (916) 978-4900 or (916) 212-1203 or deryl.neal@sbcglobal.net. I look forward to working with you.

Sincerely,

Deryl L. Neal
Right of Way Consultant

**AGENDA
ITEM**

9



AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager

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

SUBJECT: Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of a Portion of Real Property Located at 500 Cesar Chavez Boulevard, Calexico, California 92231 (APN 058-400-063) for the Purposes of the Cesar Chavez Boulevard Improvement Project **(MEZA)**

=====

Recommendation:

Adopt Resolution finding that the public interest and necessity require the acquisition of a portion of real property located at 500 Cesar Chavez Boulevard, Calexico, California 92231 (Assessor's Parcel Number ("APN") 058-400-063) ("Property"), for the purposes of widening and improving Cesar Chavez Boulevard, pursuant to the proposed Cesar Chavez Boulevard Improvement Project ("Project").

Background:

In order to accommodate the Project as proposed, City Staff has undertaken preliminary investigations required to identify and attempt to acquire the Property needed to accommodate the Project. Pursuant to applicable requirements of law, the City had the property interests it proposed to acquire appraised. The appraisal resulted in an offer letter being sent to the property owners pursuant to Government Code section 7267.2.

City Staff has attempted to undertake negotiations with the Property owners, but to date has not been able to secure a final agreement for transfer of the Property by way of negotiated agreement. Staff will continue to pursue discussions with the Property owners, regardless of the City Council's actions with respect to the proposed Resolution this evening, in an attempt to reach mutually agreeable terms for such a negotiated transfer.

**AGENDA
ITEM
9**

Discussion:

The Resolution before the City Council this evening is a resolution of necessity under California Code of Civil Procedure sections 1245.210, *et seq.* Such a resolution must be considered, and approved, by the legislative body prior to any exercise of eminent domain to acquire property. The resolution must be passed by a two-thirds majority, or four affirmative votes of the members of the City Council.

The California Eminent Domain Law provides the findings that must be made in a resolution of necessity. These are:

1. That the public interest and necessity require the project for which the property is proposed to be acquired;
2. That the project is planned in a manner that will create the greatest public good and the least private injury;
3. That the property proposed to be acquired is necessary for the project; and
4. That the offer required by Government Code section 7267.2 has been made to the owners of record.

In addition, the City Council is being asked to make the finding that the City has met all other procedural prerequisites to the exercise of eminent domain on the Property, including a determination that the Project was reviewed under applicable environmental review procedures.

The amount of compensation due for the property interests involved is not a subject of the Resolution, and therefore not before the City Council as an issue to be considered as part of this Resolution.

The Property owners, and/or their representatives, have a right to appear and be heard on the matters encompassed within the Resolution affecting their Property. As required by the California Eminent Domain Law, the Property owners were given notice of the City's consideration of the Resolution, and notified of their opportunity to appear and be heard on whether the City has undertaken all required steps and met all procedural prerequisites to the exercise of eminent domain to acquire the property interests proposed to be taken. As of the date of writing this report, the Property owners have not contacted the City to inform it that they desire to be heard at the meeting.

The facts supporting the various findings included with the Resolution are recited in more detail in the text of the Resolution itself. Generally, the public interest and necessity require the Project, in that the Project is designed to relieve regional traffic congestion and improve the capacity of the street. The Project is located in a manner most compatible with the greatest public good and least private injury, in that the design of the roadway widening must of necessity occupy land which is immediately adjacent to the existing roadway, in order to maintain the continuity of the alignment of the road for all users. The Property to be taken for the Project is necessitated and established by the street alignment in an effort to minimize any disproportionate burden or impact of the required Property being taken. The Project is designed in a manner compatible with the

greatest public good, in that the Project will involve road widening, along with the installation of a public sidewalk and drainage improvements. This will enhance the utility of the area and help improve traffic circulation.

On August 10, 2015, the Planning Commission of the City of Calexico determined that the City's purchase of the Property is consistent with the City's General Plan pursuant to Government Code section 65402.

The City Council has the option of either passing, or refusing to pass, the proposed Resolution. If the Resolution is passed, City Staff and Special Counsel will proceed to initiate eminent domain proceedings, which ultimately would lead to a determination of the fair market value of the property interests proposed to be taken through court proceedings. If the City Council does not pass the Resolution, the City can either (i) commit to acquiring the identified Property from the owners only by negotiated acquisition, (ii) decide not to implement the Project, or (iii) provide alternative direction to Staff.

Based on all the foregoing, and on the matters recited in more detail in the Resolution itself, City Staff requests that the City Council adopt the Resolution.

Fiscal Impact:

The eminent domain proceedings will ultimately lead to a determination of the fair market value of the property interests proposed to be taken. Notably, however, the City had the Property appraised for purposes of its Government Code section 7267.2 offer. The City's independent appraiser valued the property interests at \$72,300 as of February 18, 2015. Additional costs will be incurred in legal fees, appraisal fees and court costs relating to the initiation of eminent domain proceedings if the Resolution is approved and the matter proceeds to court.

Environmental Analysis:

The environmental impacts of the Project were reviewed in connection with the Mitigated Negative Declaration for the Cesar Chavez Boulevard Improvement Project, approved June 2, 2013.

Coordinated With:

Bender Rosenthal and Best Best & Krieger LLP

Attachment:

1. Resolution of the City Council of the City of Calexico Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of a Portion of Real Property Located at 500 Cesar Chavez Boulevard, Calexico, California 92231 (APN 058-400-063) for the Purposes of the Cesar Chavez Boulevard Improvement Project.
2. Letter to Virginia B. Vizcarra Meza dated November 12, 2015, giving Notice of Hearing Re: Adoption of Resolution of Necessity to

Acquire Property by Eminent Domain (California Code of Civil Procedure section 1245.235).

3. Letter to Virginia B. Vizcarra Meza dated April 17, 2015 regarding the City of Calexico's Offer to Purchase a portion of Assessor's Parcel No. 058-400-063.

ATTACHMENT 1

RESOLUTION NO. 2015-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO FINDING AND DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUIRING AND AUTHORIZING THE CONDEMNATION OF A PORTION OF REAL PROPERTY LOCATED AT 500 CESAR CHAVEZ BOULEVARD, CALEXICO, CALIFORNIA 92231 (APN 058-400-063) FOR THE PURPOSES OF THE CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT

WHEREAS, the City of Calexico (“City”) has been investigating the potential acquisition of a portion of real property located at 500 Cesar Chavez Boulevard, Calexico, California 92231 (Assessor’s Parcel Number (“APN”) 058-400-063) (“Subject Property”), for the purposes of the Cesar Chavez Boulevard Improvement Project (“Project”) consistent with the circulation element of the General Plan of the City.

WHEREAS, after no less than fifteen (15) days written notice to the owner of the Subject Property referenced above, and more specifically described and depicted in Exhibit “A,” which legal description and depiction are incorporated herein by reference, the City Council of the City of Calexico, on December 1, 2015, held a hearing for the purposes of allowing the record owner of the Subject Property reasonable opportunity to appear and be heard regarding the City’s identification of the Project, and on the following matters:

- A. Whether the public interest and necessity require the Project;
- B. Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- C. Whether the Subject Property proposed to be acquired is necessary for the Project;
- D. Whether the offer required by Government Code section 7267.2 has been given to the owner of record; and
- E. Whether the City has properly exercised all of its statutory responsibilities and duties antecedent to the exercise of eminent domain against the Subject Property, including review under CEQA.

WHEREAS, the City Council, as a result of such hearing, has determined that the public health, safety and welfare require that the City acquire the Subject Property, for the purposes of widening and improving Cesar Chavez Boulevard, pursuant to the Project.

WHEREAS, the Project was reviewed under applicable environmental review procedures, including Mitigated Negative Declaration for the Cesar Chavez Boulevard Improvement Project, approved June 2, 2013.

WHEREAS, the City is hereby authorized and empowered to acquire fee title in and to the Subject Property by eminent domain for the proposed Project in accordance with Code of Civil Procedure section 1230.010 *et seq.*, Government Code sections 37350.5 and 40404, the California Constitution, and California Eminent Domain Law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calexico, California, that the City Council does hereby find, determine and declare upon evidence presented to the City Council as follows:

SECTION 1. The Project for which the Subject Property is being acquired is the Cesar Chavez Boulevard Improvement Project, which consists of widening and improving Cesar Chavez Boulevard, including the installation of a public sidewalk, curb and gutter.

SECTION 2. The Subject Property to be acquired is located on Cesar Chavez Boulevard, Calexico, California 92231 (APN 058-400-063). The portion of the Subject Property that the City seeks to acquire consists of the following:

- A. A fee simple title to approximately 10,187 square feet of the Subject Property, as more specifically described and depicted in Exhibit "A" attached hereto.

SECTION 3. The public interest and necessity require the Project, in that the Project is designed to relieve regional traffic congestion and improve the capacity of the street.

SECTION 4. The Project is located in a manner most compatible with the greatest public good and least private injury, in that the design of the roadway widening must of necessity occupy land which is immediately adjacent to the existing roadway, in order to maintain the continuity of the alignment of the road for all users. The Subject Property to be taken for the Project is necessitated and established by the street alignment in an effort to minimize any disproportionate burden or impact of the required property being taken from the individual property owners. The Project is designed in a manner compatible with the greatest public good, in that the Project will involve road widening, along with the installation of a public sidewalk and drainage improvements. This will enhance the utility of the area and help improve traffic circulation.

SECTION 5. The Subject Property is necessary for the proposed Project, in that the roadway widening must occur on property immediately adjacent to the existing roadway.

SECTION 6. The offer required by Government Code section 7267.2(a), together with the accompanying statement of and summary of the basis for the amount established as just compensation, was made to the record owner by way of a letter dated April 17, 2015. City Staff has attempted to negotiate with the record owner subsequent to this offer, but such negotiations have not proved successful in securing the necessary property interest outside of more formal proceedings.

SECTION 7. If and to the extent any portion of the Subject Property is already devoted to a public use, the proposed Project is a more necessary public use pursuant to California Code of Civil Procedure sections 1240.610 *et seq.*

SECTION 8. On August 10, 2015, the Planning Commission of the City of Calexico determined that the City's purchasing of the Subject Property is consistent with the City's General Plan pursuant to Government Code section 65402. Alternatively, the City Council determines that the provisions of Government Code section 65402 shall not apply to the purchasing of the Subject Property for purposes of the street widening Project pursuant to subdivision (a) of that section.

SECTION 10. The law firm of Best Best & Krieger LLP is hereby authorized to prepare and prosecute in the name of the City such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to acquire for the City the Subject Property, including the improvements thereon. Said attorneys are specifically authorize to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2015.

Joong S. Kim, Mayor

Attest:

Gabriela T. Garcia, Deputy City Clerk

Approved as to Form:

Carlos Campos, Interim City Attorney

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

I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico, California do hereby certify that above and foregoing Resolution No. 2015-__ was duly passed, approved and adopted by the City Council at its regular meeting held on the 1ST of December, 2015 by the following vote to-wit:

AYES:
NOES:
ABSENT:

Gabriela T. Garcia, Deputy City Clerk

EXHIBITS:

Exhibit A [legal description of fee acquisition]

EXHIBIT A

[LEGAL DESCRIPTION OF FEE ACQUISITION]

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-063

THAT PORTION OF PARCEL 1 OF PARCEL MAP 58-400-37, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11 PAGE 95 OF PARCEL MAPS RECORDED MARCH 4, 2003 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1-A, RIVER TRACT, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 32 OF FINAL MAPS RECORDED MARCH 26, 1953 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1-A NORTH 89°33'59" EAST 31.48 FEET TO THE NORTHEAST CORNER OF SAID LOT 1-A, SAID CORNER ALSO BEING A POINT ON THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID PARCEL 1; THENCE ALONG SAID SOUTHERLY PROLONGATION NORTH 19°13'34" WEST 63.38 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1 NORTH 19°13'34" WEST 48.38 FEET TO THE **TRUE POINT OF BEGINNING**;

1. THENCE CONTINUING ALONG SAID WESTERLY LINE NORTH 19°13'34" WEST 529.96 FEET TO THE BEGINNING OF A TANGENT 365.00-FOOT RADIUS CURVE CONCAVE EASTERLY;
2. THENCE CONTINUING ALONG SAID WESTERLY LINE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°35'55" A DISTANCE OF 118.48 FEET;
3. THENCE CONTINUING ALONG SAID WESTERLY LINE NORTH 00°37'39" WEST 16.75 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1;
4. THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1 NORTH 89°33'23" EAST 26.58 FEET;
5. THENCE LEAVING SAID NORTHERLY LINE SOUTH 02°20'14" EAST 39.89 FEET TO THE BEGINNING OF A TANGENT 556.00-FOOT RADIUS CURVE CONCAVE EASTERLY;
6. THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°53'20" A DISTANCE OF 163.89 FEET;
7. THENCE SOUTH 19°13'34" EAST 320.45 FEET TO THE BEGINNING OF A TANGENT 644.00-FOOT RADIUS CURVE CONCAVE WESTERLY;
8. THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°58'08" A DISTANCE OF 134.53 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA = 10,187 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-063

SIGNATURE Michael A. Havener 4-02-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "B"

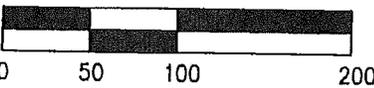
PAR. "A" PER PM 11-95
(PUBLIC USE DEDICATION)

NW COR. PAR. 1

10' PUBLIC DRAINAGE
EASEMENT PER PM 11-95

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	18°35'55"	365.00'	118.48'
C2	16°53'20"	556.00'	163.89'
C3	11°58'08"	644.00'	134.53'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 19°13'34" W	48.38'
L2	N 00°37'39" W	16.75'
L3	N 89°33'23" E	26.58'
L4	S 02°20'14" E	39.89'



MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

APN 058-400-063 EXCEPTION NOTES:

- RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS, LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)
- RESERVATIONS & EXCEPTIONS IN THE PATENT BY THE UNITED STATES OF AMERICA REC. 11/30/1903 IN BK. 1, PG. 46 OF PATENTS (NO SPECIFIC LOCATION)

LEGEND



FEE ACQUISITION
AREA = 10,187 SQ. FT., MORE OR LESS

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING

WEST FIFTH ST. N 89°33'59" E 31.48'

P.O.C.
NW COR.
LOT 1-A
PER FM 1-32

SHEET 1 OF 1 SHEET

REVISED BY:	DATE:	CITY OF CALEXICO	SCALE
DRAWN BY: KA	DATE: 12-30-14		1" = 100'
CHECKED BY: MH	DATE: 4-02-15		DOC. NO.
APPROVED BY:	DATE:		DWG. NO.

CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT
APN 058-400-063
VIRGINIA B. VIZCARRA MEZA

P.O.C. 15

15
RIVER TRACT
FM 1-32

L2 L4

CESAR CHAVEZ BLVD

PAR. 1

11-95

SOUTHERN PACIFIC R.R.
REMAINDER PARCEL

EXISTING
RIGHT-OF-WAY

APN 058-400-063

T.P.O.B.

SW COR.
PAR. 1

14

1-A

N 19°13'34" W
63.38'

ATTACHMENT 2



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Indian Wells
(760) 568-2811

Irvine
(949) 263-2800

Los Angeles
(213) 617-8100

Ontario
(909) 989-8584

655 West Broadway, 15th Floor, San Diego CA 92101
Phone (619) 525-1300 | Fax (619) 233-6118 | www.bbklaw.com

Riverside
(951) 686-1450

Sacramento
(916) 325-4000

Walnut Creek
(925) 977-3300

Washington, DC
(202) 785-0600

Bruce W. Beach
(619) 525-1335
bruce.beach@bbklaw.com
File No. 81211 00413

November 12, 2015

**VIA FIRST CLASS MAIL AND
CERTIFIED MAIL — RETURN RECEIPT REQUESTED**

Virginia B. Vizcarra Meza
1272 Opal Ct.
Calexico, California 92231

Re: Notice of Hearing Re: Adoption of Resolution of Necessity to Acquire
Property by Eminent Domain, Calexico, California (APN 058-400-063)
(California Code of Civil Procedure section 1245.235)

Dear Ms. Meza:

As you are aware, the City of Calexico ("City") has made an offer to purchase a portion of your real property located at 500 Cesar Chavez Boulevard, Calexico, California 92231 (Assessor's Parcel Number ("APN") 058-400-063) ("Subject Property"), as part of its planning efforts in connection with the proposed road widening at Cesar Chavez Boulevard ("Project").

You are hereby notified that at **6:30 p.m. on December 1, 2015**, or as soon thereafter as the matter can be heard, in the City Council chambers located at 608 Heber Avenue, Calexico, California 92231, the City Council will consider the adoption of a Resolution of Necessity authorizing the City to acquire the Subject Property, which is more particularly described and depicted in Exhibit "A," through eminent domain proceedings.

You have the right to appear and be heard before the City Council at the hearing on the following matters and issues, and to have the City Council give consideration to any testimony and other information and evidence that may be offered by you with respect to the following issues, stated in Code of Civil Procedure section 1245.230(c), prior to deciding whether or not to adopt the proposed Resolution of Necessity:

- a. Whether the public interest and necessity require the proposed Project;
- b. Whether the proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Virginia B. Vizcarra Meza
November 12, 2015
Page 2

- c. Whether the Subject Property sought to be acquired by eminent domain is necessary for the proposed Project;
- d. Whether the pre-condemnation offer required by Government Code Section 7267.2, together with the accompanying statement and summary of the basis for the amount established as just compensation, was made to the owners of record;
- e. Whether the City has statutory authority to acquire the Subject Property by eminent domain; and
- f. Whether the City has observed all required procedures, and taken all legally required actions, to acquire the Subject Property by eminent domain.

The City Council will also be asked to make a finding that the environmental impacts associated with the proposed Project have been adequately reviewed under applicable environmental review procedures, including a Mitigated Negative Declaration for the Cesar Chavez Improvement Project.

If you wish to appear at the hearing and be heard on the matters referred to above, you must file a written request with the City Clerk, 608 Heber Avenue, Calexico, California 92231, within fifteen (15) days after this notice was mailed. The date of the mailing of this notice is set forth above.

PLEASE NOTE: Failure to file a written request to appear and be heard will result in a waiver of the right to appear and be heard. The City is not obligated to give an opportunity to appear and be heard to any person who fails to file a written request.

If the Resolution of Necessity is adopted and you intend to challenge in court any of the issues or matters or determinations listed above, including in any subsequent eminent domain proceeding, you may be limited to raising only those issues and relying only upon such testimony and other information and evidence that is presented to the City Council prior to or at the hearing. Notwithstanding the foregoing, your election to not appear at the Resolution of Necessity hearing will not waive your right to claim greater compensation in a court of law than the amount of the City's pre-condemnation purchase offer.

If the City Council elects to adopt the Resolution of Necessity, then within six (6) months of adoption of the Resolution of Necessity, the City will commence eminent domain proceedings in Superior Court. If you and the City do not agree on the amount of just compensation to be paid, you have the legal right to have the compensation amount determined by the court or a jury.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Virginia B. Vizcarra Meza
November 12, 2015
Page 3

Should you have any questions with regard to this matter, please do not hesitate to contact me at 619-525-1335.

Very truly yours,

A handwritten signature in black ink that reads "Bruce W. Beach". The signature is written in a cursive, slightly slanted style.

Bruce W. Beach
of BEST BEST & KRIEGER LLP

Exhibit A [legal description of Subject Property]

cc w o enc.: Nick Fenley, Acting City Manager
Carlos Campos, Interim City Attorney

EXHIBIT A

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-063

THAT PORTION OF PARCEL 1 OF PARCEL MAP 58-400-37, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11 PAGE 95 OF PARCEL MAPS RECORDED MARCH 4, 2003 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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AREA = 10,187 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-063

SIGNATURE *Michael A. Havener* 4-02-2015
MICHAEL A. HAVENER DATE
PLS 7354

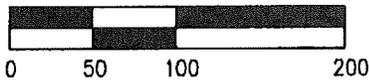


EXHIBIT "B"

PAR. "A" PER PM 11-95
(PUBLIC USE DEDICATION)

CURVE TABLE			
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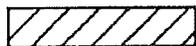


MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

APN 058-400-063 EXCEPTION NOTES:

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- RESERVATIONS & EXCEPTIONS IN THE PATENT BY THE UNITED STATES OF AMERICA REC. 11/30/1903 IN BK. 1, PG. 46 OF PATENTS (NO SPECIFIC LOCATION)

LEGEND



FEE ACQUISITION
AREA = 10,187 SQ. FT., MORE OR LESS

P.O.C. POINT OF COMMENCEMENT

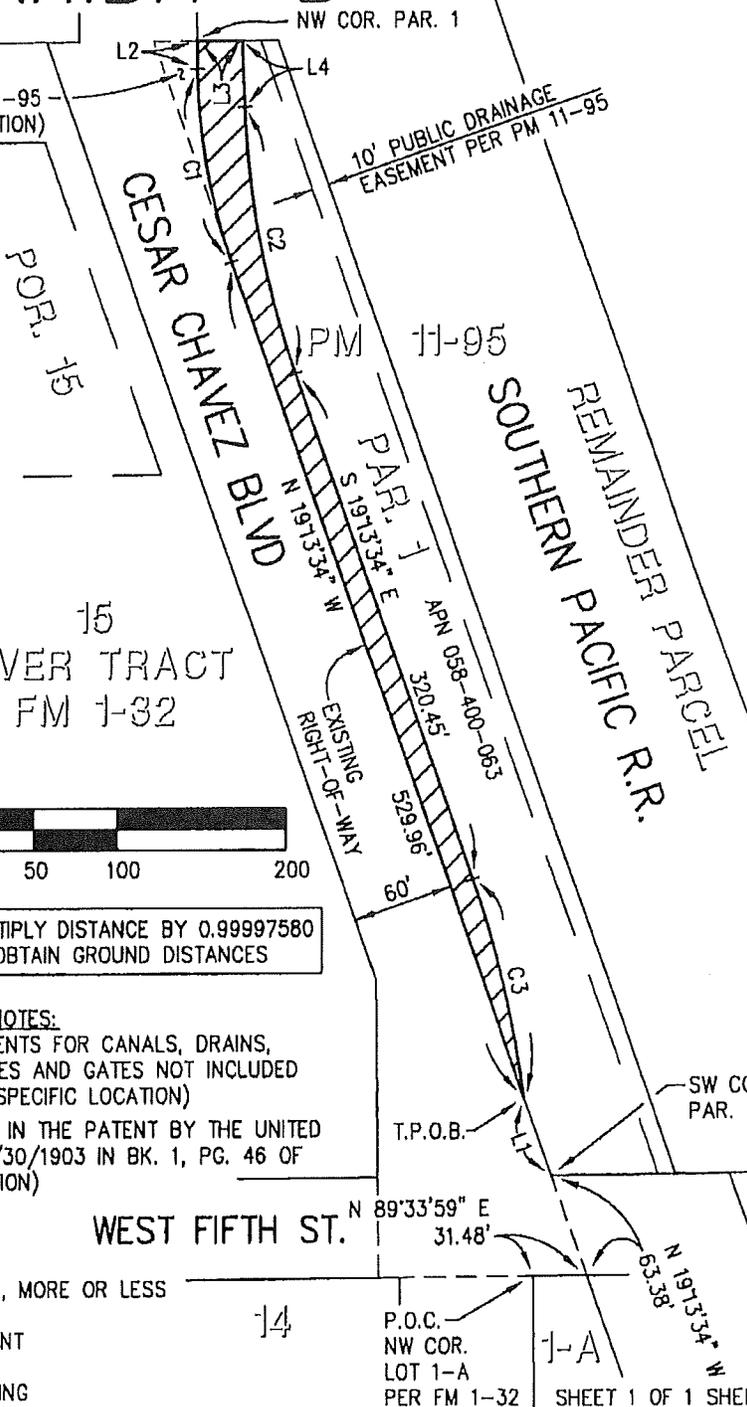
T.P.O.B. TRUE POINT OF BEGINNING

WEST FIFTH ST. N 89°33'59" E 31.48'

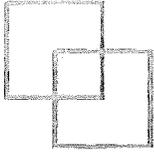
P.O.C.
NW COR.
LOT 1-A
PER FM 1-32

SHEET 1 OF 1 SHEET

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-063 VIRGINIA B. VIZCARRA MEZA	SCALE 1" = 100'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-02-15		DWG. NO.
APPROVED BY:	DATE:		



ATTACHMENT 3



**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

April 17, 2015

Ms. Virginia B. Vizcarra Meza
1272 Opal Ct.
Calexico, CA 92231

Subject: Cesar Chavez Blvd. Improvement Project — City of Calexico - Offer to Purchase
Assessor's Parcel No: 058-400-063 — located at 500 Cesar Chavez Blvd., Calexico, CA

Dear Ms. Meza:

The City of Calexico is planning the Cesar Chavez Project located along Cesar Chavez Blvd, between State Route 98 and West 2nd Street, Calexico, CA. Construction of this project will require the purchase of a portion of your property located in the project area. The proposed acquisition consists of 0.23± acres (10,187± SF), and is comprised of a Fee Interest.

The City of Calexico has retained Bender Rosenthal Inc. to value and acquire the real property interests. Accordingly, the City has established just compensation, and hereby makes an offer of \$72,300.00 to acquire the necessary interests required for the Project. The following documents are attached regarding the proposed acquisition:

1. Summary Statement Relating to Purchase of Real Property or an Interest Therein
2. Statement and Summary for Basis of Appraisal
3. Signing Instructions for Owner
4. Grant Deed
5. Purchase Agreement (2 copies)
6. Federal W-9 Form
7. Preliminary Title Report
8. Acquisition Brochure
9. Title VI Information Pamphlet

I am happy to answer any questions you may have regarding this matter. If you find the offer acceptable, **please sign and return** the documents in accordance with the Signing Instructions. I have included a self-addressed stamped envelope for your convenience. Copies of the documents are enclosed for your files.

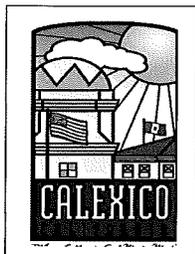
When you receive this letter, please contact me at (916) 978-4900 or (916) 212-1203 or deryl.neal@sbcglobal.net. I look forward to working with you.

Sincerely,

Deryl L. Neal
Right of Way Consultant

**AGENDA
ITEM**

10



AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

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

SUBJECT: Resolution of the City Council of the City of Calexico Authorizing the Acting City Manager to Execute a Right-of-Way Contract and Certificate of Acceptance for the City's Acquisition of a Fee Simple Interest in a Portion of Assessor's Parcel Number 058-400-045 for the Cesar Chavez Boulevard Improvement Project

=====

Recommendation:

Adoption of Resolution of the City Council of the City of Calexico authorizing the Acting City Manager to execute a Right of Way Contract with Perry Allen Earley, Trustee of the Allen Earley 1998 Family Trust ("Owner") in order to acquire a fee simple interest in a portion of real property located at 420 Cesar Chavez Boulevard, in the City of Calexico, Imperial County, California, and known as a portion of Assessor's Parcel Number 058-400-045 ("Subject Property"), and to execute a Certificate of Acceptance on its behalf as provided by Government Code section 27281.

Background:

Government Code section 40404 authorizes the City to acquire real property to construct public streets within the City. Pursuant to Resolution No. 2015-41, approved and adopted on August 18, 2015, the City Council previously authorized the City of Calexico ("City") to acquire the Subject Property for the Cesar Chavez Boulevard Improvement Project ("Project").

The City's independent appraiser valued the property interests at \$18,500 as of February 18, 2015. On October 13, 2015, the City filed a complaint in eminent domain against the Owner of the Subject Property, but the City has since reached a settlement of this matter with the Owner for the amount of \$20,525.

<p>AGENDA ITEM</p> <p>10</p>
--

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

Discussion & Analysis:

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

Fiscal Impact:

The City had the Subject Property appraised for purposes of its Government Code section 7267.2 offer to the Owner. The City's independent appraiser valued the Subject Property at \$18,500 as of February 18, 2015. The City has reached a settlement of this matter with the Owner for the total amount of \$20,525.

Coordinated With:

Bender Rosenthal and Best Best & Krieger LLP

Attachment:

1. Resolution of the City Council of the City of Calexico Authorizing the Acting City Manager to Execute a Right-of-Way Contract and Certificate of Acceptance for the City's Acquisition of a Fee Simple Interest in a Portion of Assessor's Parcel Number 058-400-045 for the Cesar Chavez Boulevard Improvement Project.

RESOLUTION NO. 2015-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE A RIGHT OF WAY CONTRACT AND CERTIFICATE OF ACCEPTANCE FOR THE CITY'S ACQUISITION OF A FEE SIMPLE INTEREST IN A PORTION OF ASSESSOR'S PARCEL NUMBER 058-400-045 FOR THE CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT

WHEREAS, the City is authorized to acquire property to construct public streets within the City of Calexico pursuant to Government Code section 40404; and

WHEREAS, pursuant to Resolution No. 2015-41, approved and adopted on August 18, 2015, the City Council previously authorized the City of Calexico ("City") to acquire a fee simple interest in a portion of real property located at 420 Cesar Chavez Boulevard, in the City of Calexico, Imperial County, California, and known as a portion of Assessor's Parcel Number 058-400-045 ("Subject Property"), for the Cesar Chavez Boulevard Improvement Project; and

WHEREAS, Perry Allen Earley, Trustee of the Allen Earley 1998 Family Trust ("Owner") is the owner of the Subject Property; and

WHEREAS, on February 18, 2015, the City's independent appraiser valued the Subject Property at \$18,500; and

WHEREAS, on October 13, 2015, the City filed a complaint in eminent domain against the Owner of the Subject Property, but the City subsequently reached a settlement of this matter with the Owner for the amount of \$20,525; and

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

WHEREAS, Government Code section 27281 allows a City Council to adopt a Resolution authorizing the execution of a Certificate of Acceptance on its behalf; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Calexico hereby consents to the City's execution of the Right Of Way Contract with the Owner to acquire the Subject Property for the Project, a copy of which is attached hereto as **Exhibit A**, as well as the City's execution and recordation of a Certificate of Acceptance for the Grant Deed, attached hereto as **Exhibit B**, in accordance with Government Code section 27281.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2015.

Joong S. Kim, Mayor

Attest:

Gabriela T. Garcia, Deputy City Clerk

Approved as to Form:

Carlos L. Campos, Interim City Attorney

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

I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico, California, do hereby certify that the above and foregoing Resolution No. 2015-_____ was duly passed, approved and adopted by the City Council at its regular meeting held on the 1st day of December, 2015, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

Gabriela T. Garcia, Deputy City Clerk

EXHIBIT A

RIGHT OF WAY CONTRACT

APN: 058-400-045

District	County	Route	P.M. (KP)	E. A.	Program	Fed. Ref.	Name	Parcel
	Imperial						Perry Allen Earley, Trustee	12

Calexico , California

_____, 2015

PERRY ALLEN EARLEY, TRUSTEE of
The ALLEN EARLEY 1998 FAMILY TRUST
 Grantor

RIGHT OF WAY CONTRACT

A Document in the form of a Grant Deed to the City of Calexico covering the property as described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof, has been executed and delivered to City of Calexico.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said document and shall relieve the City of Calexico of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
- (B) City of Calexico requires said property described in Exhibit "A" for roadway purposes, a public use for which City of Calexico has the authority to exercise the power of eminent domain. Grantor is compelled to sell, and City of Calexico is compelled to acquire the property.
- (C) Both Grantor and City of Calexico recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation. The compensation set forth herein for the property is in compromise and settlement, in lieu of such litigation.
2. City of Calexico shall:
 - (A) Pay the undersigned Grantor the sum of (\$20,525.00) for the property or interest conveyed by above document when title to said property vests in the City of Calexico free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded) and taxes, except:
 - a. Taxes for the tax year in which this escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code, if unpaid at the close of escrow.
 - b. Covenants, conditions, restrictions and reservations of record, or contained in the above-referenced document.
 - c. Easements or rights of way over said land for public or quasi-public utility or public street purposes, if any.

RIGHT OF WAY CONTRACT

- (B) Pay all escrow and recording fees incurred in this transaction, and if title insurance is desired by the City of Calexico, the premium charged therefore. Said escrow and recording charges shall not, however, include documentary transfer tax. This transaction will be handled through an escrow with Stewart Title Company of California, Escrow No. 01180-137287, located at 8950 Cal Center Drive, Bldg. 3, Suite 100, Sacramento, CA 95928.
 - (C) Have the authority to deduct and pay from the amount shown on Clause 2(A) above, any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which this escrow closes, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien at the close of escrow.
 - (D) At no expense to grantor, and at the time of project construction, Install temporary fencing to secure the site during construction.
 - (E) Keep Grantor's driveway open at all times. If for any reason, driveway must be temporarily closed, give Grantor twenty-four (24) hours notice prior to closure and provide alternate access during any such closure.
3. Permission is hereby granted the City of Calexico or its authorized agent to enter on grantor's land, where necessary, to complete work as described above in Clause 2(D) of this contract.
 4. It is understood and agreed by and between the parties hereto that included in the amount payable under Clause 2 above is a damage payment in full to compensate grantor for the expense of performing the following work: Restore 100 LF of 6-foot chain link fencing topped with 3-strand wire; One 25-foot, 6-foot high motorized chain link gate; and 12-barrier posts with concrete perimeters.
 5. Any monies payable under this contract up to and including the total amount of unpaid principal and interest on note(s) secured by mortgage(s) or deed(s) of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said trust deed(s) or mortgage(s), shall upon demand(s) be made payable to the mortgagee(s) or beneficiary(ies) entitled thereunder; said mortgagee(s) or beneficiary(ies) to furnish grantor with good and sufficient receipt showing said monies credited against the indebtedness secured by said mortgage(s) or deed(s) of trust.
 6. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the City of Calexico, including the right to remove and dispose of improvements, shall commence upon execution of this contract by the City of Calexico, and that the amount shown in Clause 2(A) herein includes, but is not limited to, full payment for such possession and use, including damages, if any, from said date.
 7. It is understood and agreed by and between the parties hereto that included in the amount payable under Clause 2(A) above is payment in full to compensate grantor for the following improvements: 100 LF of 6-foot chain link fencing topped with 3-strand wire; One 25-foot, 6-foot high motorized chain link gate; and 12-barrier posts with concrete perimeters.
 8. Grantor warrants that there are no oral or written leases on all or any portion of the property exceeding a period of one month, and the grantor agrees to hold the City of Calexico harmless and reimburse the City of Calexico for any and all of its losses and expenses occasioned by reason of any lease of said property held by any tenant of grantor for a period exceeding one month. Grantor acknowledges that a quitclaim deed will be required from any lessee that has a lease term exceeding one month. Said quitclaim deeds are to be provided to Title by Grantor, prior to the close of escrow.
 9. It is understood and agreed by and between the parties hereto that payment as provided in clause 2(A) includes, but is not limited to, payment for any and all damages, and any and all damages which may accrue to the Grantor's remaining property by reason of its severance from the property conveyed herein and the construction and use of the proposed roadway project, including, but not limited to, any expense which Grantor may incur in restoring the utility of their remaining property.

No Obligation Other Than Those Set Forth Herein Will Be Recognized

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-045

THAT PORTION OF LOT 1-C, RIVER TRACT, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 32 OF FINAL MAPS RECORDED MARCH 26, 1953 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY INCLUDED WITHIN PARCEL 2 OF CERTIFICATE OF COMPLIANCE PM 58-040-025 RECORDED APRIL 12, 1988 AS INSTRUMENT NO. 88-05840 IN BOOK 1601, PAGE 459 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1-A OF SAID RIVER TRACT; THENCE ALONG THE WESTERLY LINES OF SAID LOT 1-A, LOT 1-B, AND SAID LOT 1-C SOUTH 00°25'08" EAST 471.77 FEET TO THE BEGINNING OF A NON-TANGENT 506.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 88°42'45" WEST, SAID POINT BEING THE **TRUE POINT OF BEGINNING**,

1. THENCE LEAVING SAID WESTERLY LINE OF LOT 1-C SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°23'24" A DISTANCE OF 118.25 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 2;
2. THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°30'51" WEST 1.96 FEET TO THE SOUTHWEST CORNER THEREOF AND THE EASTERLY LINE OF THAT LAND CONVEYED TO THE CITY OF CALEXICO BY DEED RECORDED OCTOBER 26, 1978 IN BOOK 1424, PAGE 583 OF OFFICIAL RECORDS, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT 590.00-FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 73°21'09" WEST;
3. THENCE ALONG SAID EASTERLY LINE, BEING THE WESTERLY LINE OF SAID PARCEL 2 NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°41'55" A DISTANCE OF 58.68 FEET TO THE NORTHERLY CORNER OF SAID LAND CONVEYED TO THE CITY OF CALEXICO;
4. THENCE CONTINUING ALONG SAID WESTERLY LINE OF PARCEL 2 NORTH 00°25'08" WEST 59.89 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA = 278 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

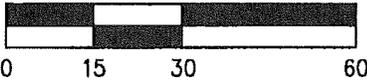
SIGNATURE Michael A. Havener 4-02-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "B"

WEST FIFTH ST.

MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES



LOT 1-A

P.O.C.
NW COR.
LOT 1-A
PER FM 1-32

EXISTING
RIGHT-OF-WAY
471.77'

APN 058-400-045 EXCEPTION NOTES:

- RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS, LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)

EXISTING
RIGHT-OF-WAY

CESAR CHAVEZ BLVD.

T.P.O.B.

S 88°42'45" W(R)

APN 058-400-045

POR. LOT 1-C
RIVER TRACT
FM 1-32

PAR. 2

C.O.C. PM-58-040-025

80'±

N 00°25'08" W
59.89'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	5°41'55"	590.00'	58.68'
C2	13°23'24"	506.00'	118.25'

GRANTED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

LEGEND



FEE ACQUISITION
AREA = 278 SQ. FT.,
MORE OR LESS

T.P.O.B. TRUE POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

S'LY LINE OF PARCEL 2 OF
CERTIFICATE OF COMPLIANCE
PM-58-040-025 REC. 4/12/88
AS INSTRUMENT NO. 88-05840 IN
BK. 1601, PG. 459 O.R.

S 73°21'09" W(R)

1.96'
S 89°30'51" W

SHEET 1 OF 1 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO	SCALE 1" = 30'	
DRAWN BY: KA	DATE: 12-29-14		CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-045	DOC. NO.
CHECKED BY: MH	DATE: 4-02-15		THE ALLEN EARLEY 1998 FAMILY TRUST	DWG. NO.
APPROVED BY:	DATE:			

EXHIBIT B

Recorded at the request of
City of Calexico

When Recorded Mail to:
Public Works Director
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Space above this line for Recorder's Use

This document is recorded for the benefit of the City of Calexico and is therefore exempt from the payment of a recording fee pursuant to Government Code Section 27383 or filing fee pursuant to Government Code Section 6103, and from the payment of the documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

PROJECT SECTION

COUNTY CODE

PARCEL #

APN

12

058-400-045

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, PERRY ALLEN EARLEY, TRUSTEE OF THE ALLEN EARLEY 1998 FAMILY TRUST, ("GRANTOR") hereby grants to City of Calexico ("GRANTEE"), its successors and assigns, all that real property, or interest therein, situated in the City of Calexico, County of Imperial, State of California, more particularly described and shown as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B" ATTACHED
HERETO AND MADE A PART HEREOF.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this ___ day of _____, 2015

GRANTOR:

ALLEN EARLEY 1998 FAMILY TRUST

By: _____
Perry Allen Earley, Trustee

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____ before me, _____,
Name and Title of Officer

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)
Signature of Notary Public

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-045

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AREA = 278 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

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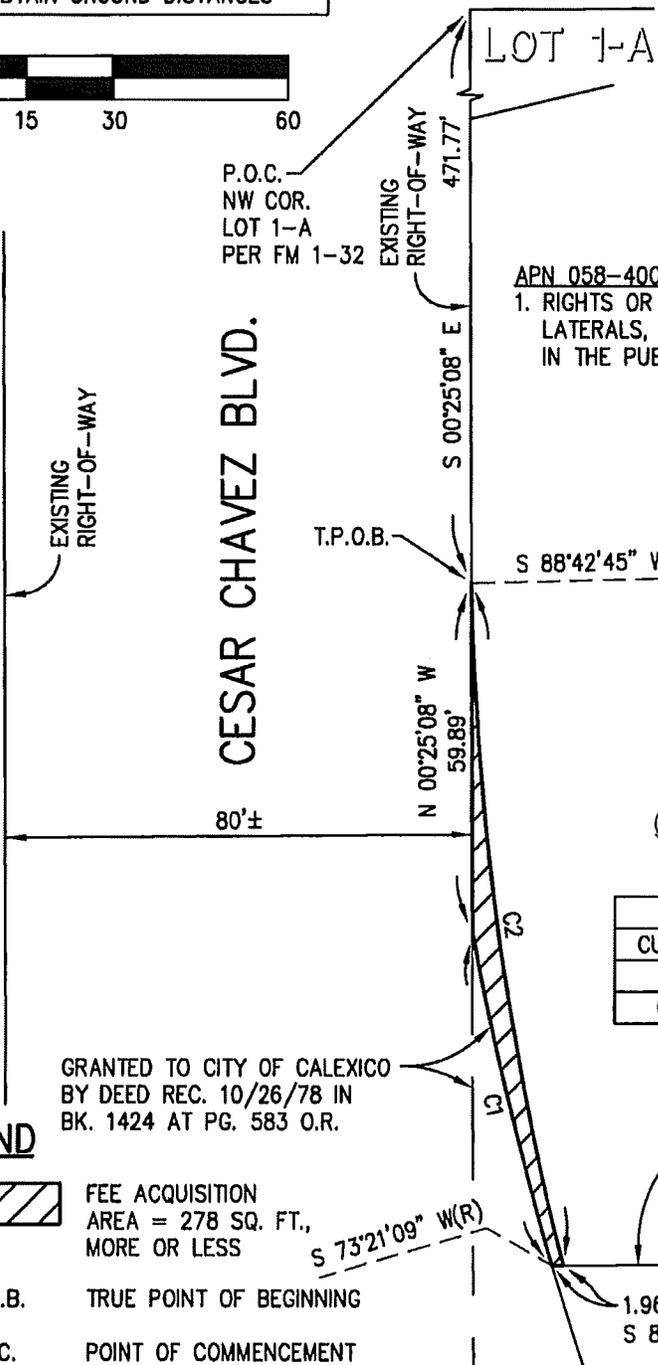
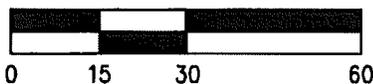
SIGNATURE Michael A. Havener 4-02-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "B"

WEST FIFTH ST.

MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES



APN 058-400-045 EXCEPTION NOTES:
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APN 058-400-045
POR. LOT 1-C
RIVER TRACT
FM 1-32
PAR. 2
C.O.C. PM-58-040-025

CURVE TABLE			
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GRANTED TO CITY OF CALEXICO
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LEGEND



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T.P.O.B. TRUE POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

SHEET 1 OF 1 SHEETS

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