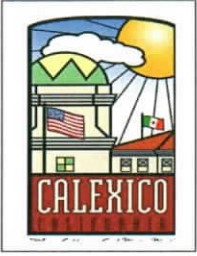


**AGENDA
ITEM
3**



CITY COUNCIL AGENDA STAFF REPORT

DATE: February 1, 2023

TO: Mayor and City Council

APPROVED BY: Esperanza Colio Warren, City Manager

PREPARED BY: Gabriela T. Garcia, City Clerk

SUBJECT: Approval of City Council/Calexico Community Redevelopment Agency
Successor Agency/Calexico Financing Authority Minutes for Meeting of
December 21, 2022

=====

Recommendation:

Approval of City Council/Calexico Community Redevelopment Agency Successor Agency/
Calexico Financing Authority Minutes for Meeting of December 21, 2022.

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:

City Council/Calexico Community Redevelopment Agency Successor Agency/Calexico
Financing Authority Minutes for Meeting of December 21, 2022 have been prepared for City
Council review and approval.

Fiscal Impact:

None.

Coordinated With:

None.

Attachment(s):

1. Minutes for City Council/Calexico Community Redevelopment Agency
Successor Agency/Calexico Financing Authority for Meeting of December 21,
2022.

AGENDA ITEM 3

THE CITY COUNCIL/CALEXICO COMMUNITY REDEVELOPMENT AGENCY SUCCESSOR AGENCY/CALEXICO FINANCING AUTHORITY MET IN REGULAR SESSION ON THE 21ST DAY OF DECEMBER, 2022 AT 5:30 PM AT THE FERNANDO “NENE” TORRES COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CALIFORNIA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLD OF SAID MEETING PURSUANT TO AB 361 APPROVED BY GOVERNOR OF CALIFORNIA ON SEPTEMBER 16, 2021.

CLOSED SESSION – 5:30 PM

CALL TO ORDER

Mayor Moreno called to order the closed session portion of the meeting at 5:30 p.m.

ROLL CALL

PRESENT:

Mayor: Javier Moreno
Mayor Pro Tem: Raul Ureña
Council Member: Camilo Garcia
Council Member: Gloria Romo
Council Member: Gilberto Manzanarez

PUBLIC COMMENTS – No Public Comments.

ADJOURN TO CLOSED SESSION

City Council adjourned to close session at 5:34 p.m. to discuss the following:

1. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Representatives: Esperanza Colio Warren, City Manager, Carlos Campos, City Attorney
Employee Organizations: Certified Operators Association/SEIU Local 221
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure of Litigation, Pursuant to Government Code Section 54956.9(d)(2)(e)(1)
One (1) Potential Case
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of Litigation, Pursuant to Government Code Section 54956.9(d)(4)
Two (2) Potential Cases

City Council reconvened from closed session at 6:30 p.m.

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

OPEN SESSION - 6:35 PM

CALL TO ORDER

Mayor Moreno called the open session portion of the meeting at 6:35 p.m.

ROLL CALL

PRESENT:

Mayor: Javier Moreno
Mayor Pro Tem: Raul Urefia
Council Member: Camilo Garcia
Council Member: Gloria Romo
Council Member: Gilberto Manzanarez

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Urefia led those present in the Pledge of Allegiance.

MISSION STATEMENT PLEDGE

Council Member Manzanarez led those present in reciting the Mission Statement Pledge.

INVOCATION

Mayor Moreno led those present in prayer.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Campos reported direction was given and no reportable action taken.

APPROVAL OF THE AGENDA

Motion was made by Council Member Garcia, seconded by Council Member Romo and passed unanimously to approve the agenda as presented.

PUBLIC COMMENTS AND PUBLIC APPEARANCES

Javier Gonzalez spoke in representation of the Imperial Irrigation District to provide an update to the community. He stated LED lighting has been installed from Andrade Street to Heffernan Street and they are currently working on lighting the city parks, with public housing next in line. He assured both, Kennedy Gardens and Border Parks will also be lit. He stated the security is a priority for the community. He welcomed Alex Cardenas as new president of IID and Karina Eugenio as the new Liaison of the City.

Carmen Estrada congratulated Javier Gonzalez for his hard work and asked Mr. Gonzalez that Gutierrez Park also be lit. She requested the council to release funds to improve the parks. She further stated soccer, football, basketball and tennis are all sports that do not have a park at the moment.

Antonio Garcia, Calexico Parent Athletic Association congratulated Mayor Pro Tem Ureña and Council Member Manzanarez for their win. He provided an update on the soccer tournament and invited the council to continue with their involvement. He thanked the Mexican Consulate and Calexico Unified School District for their support. He informed the council that on March 4th and 5th there will be a bigger soccer tournament that will consist of about one hundred plus teams and stated there will be no cost for registration of participating teams.

Marco Madrigal, Developer owner of Marco Parking at 6th and Emerson Streets spoke on his project and requested assistance from the City to continue and complete his project.

Jim Kim congratulated the new council members. He addressed the traffic at the Port of Entry and stated traffic controllers need training. He asked council to please pay close attention to this issue.

Jasmine Horton, President for the Associated Students at San Diego State University informed the council about the 5K Color Run to benefit Associated Students. She asked council to approve the required route: Starting at SDSU down to 7th Street, down to Blair, to Birch, then to Rodney Auditorium on 7th Street.

Supervisor Jesus Escobar stated a transportation hub in the City of Calexico is desperately needed and asked the council to be fair to the owners of the real estate being utilized for said project.

Sergio Ojeda (Via Zoom) offered suggestions for previous art proposals. He offered to volunteer for this project and asked council for donations to complete his history of anime mural. He further stated the people of Calexico donated \$300 to him for the project.

CITY MANAGER'S REPORT

City Manager Colio Warren thanked the Fire and Police Departments for the 19th Annual Kids and Badges event which consists of having children having breakfast with them, meeting Santa Claus, and going to Wal-Mart to buy toys. She reported on the submittal of the letter of response to the State Auditors with a plan and scheduled to address the City's financial findings. She also submitted an updated report to the Housing Community Development regarding the pending monitoring issues with the CDBG HOME and CalHOME Programs. She further stated the city is requesting CDBG allow the city to continue using some of the grant funds in order to bring programs to the City. She also reported on submittal to the Department of Water Boards of one bid for the New River Improvement Project for \$40,690,000.00 with final gap funding in the amount of \$18,530,000.

CITY COUNCIL COMMENTS AND REPORTS OF MEETINGS ATTENDED

Mayor Pro Tem Ureña stated one police officer during the city council meetings should suffice. He mentioned he is behind on his community updates for finances, current and future projects. He expressed his happiness for finally making complete use of all the grant funds received and hopes to keep moving forward.

Council Member Garcia spoke about the recent retirement by a firefighter and suggested that the council should do a little more to acknowledge and thank the retirees. He requested bringing back a recognition for him and moving forward, he would like to recognize staff quarterly, for retirements, and special events.

Council Member Romo asked City Manager Colio Warren about translation services. Mrs. Colio Warren stated this is a costly service and the city does not have the funding for this type of service and this can be addressed during the budget process. She stated she invited her Parks Commissioner Carmen Estrada to take a tour of all parks in Calexico and visited Ms. Falomir in Public Works and requested she provide a schedule that lets them know what parks are going to be worked on in 2023. She thanked the Calexico Police Department for the 19th Annual Kids and Badges Event and for making so many children happy. She reported attending the Mexican Consulate ceremony for the recognition of Eduardo Garcia for his work in Imperial County, the 35th Annual event given by Brenda Estrada and Family at Las Palmas which provides gifts to the children and adults, she visited Casa de la Alegria and provided a status of the persons still attending and receiving services from the program. She reported that during pandemic more persons passed from loneliness and from being abandoned than from Covid-19.

Council Member Manzanarez concurred with Council Member Garcia about showing appreciation to the employees. He also spoke about action taken in March of 2022 approving one million dollars for checks to essential workers. He expressed his disappointment because the funds have not been distributed and stated he is personally willing to work to get it done.

Mayor Moreno reported attending the Mexican Consulate ceremony in recognition of Assemblymember Garcia and offered his congratulations. He also attended Calexico Unified School District Swear-in Ceremony for Mr. Pacheco, Mr. Contreras, and Mr. Calderon and recognized as the new directors.

CONSENT AGENDA

Motion made by Mayor Pro Tem Ureña, seconded by Council Member Garcia to approve the Consent Agenda consisting of the following items: Approval of the City Council Community Redevelopment Agency Successor Agency/Calexico Financing Authority Minutes for Meeting of December 7, 2022; Approval of a Resolution to Continue Fully or Partially Virtual Public Meetings (AB361); Approval of Application for Alcoholic Beverage License for 7-Eleven, Inc., 7-Eleven Store 34656B, 113 Rockwood Avenue, Calexico, CA 92231-2747.

DISCUSSION AND POTENTIAL ACTION ITEMS

ADOPTION OF THE JOB DESCRIPTION AND PAY RANGE FOR THE POSITION OF BUILDING INSPECTOR I

Motion was made by Mayor Pro Tem Ureña, seconded by Council Member Garcia to adopt the Job Description and Pay Range for the Position of Building Inspector I. Motion passed unanimously.

ALLEY IMPROVEMENT PROJECT – PHASE I

- 1. AWARD THE BID PROPOSAL FROM PYRAMID CONSTRUCTION & AGGREGATES, INC. IN THE AMOUNT OF \$820,565.00.**
- 2. AUTHORIZE CITY MANAGER TO SIGN CONSTRUCTION AGREEMENT BETWEEN THE CITY OF CALEXICO AND PURAMID CONSTRUCTION & AGGREGATES, INC. IN THE AMOUNT OF \$820,565.00 FOR THE ALLEY IMPROVEMENT PROJECT- PHASE I.**
- 3. AUTHORIZE CITY MANAGER TO SIGN UP TO 10% CONTIGENCY (\$82,056.50) FOR ADMINISTRATIVE EXPENSES.**

Motion was made by Council Member Romo, seconded by Council Member Garcia to approve the Alley Improvement Project – Phase I: 1) Award the Bid Proposal from Pyramid Construction & Aggregates, Inc. in the amount of \$820,565.00; 2) Authorize the City Manager to Sign Construction Agreement between the City of Calexico and Pyramid Constructions & Aggregates, Inc. in the amount of \$820,565.00 for the Alley Improvement Project-Phase I; 3) Authorize City Manager to Sign up to 10% Contingency (\$82,056.50) for Administrative Expenses. Motion passed unanimously.

AUTHORIZE CITY MANAGER TO SIGN AGREEMENT OF PROFESSIONAL SERVICES BETWEEN DYNAMIC CONSULTING ENGINEERS, INC., AND THE CITY OF CALEXICO IN THE AMOUNT OF \$192,574.84 FOR CONSTRUCTION MANAGEMENT, GEOTECHNICAL AND INSPECTION SERVICES FOR ALLEY IMPROVEMENT PROJECT- PHASE I, II, AND III.

Motion was made by Council Member Romo, seconded by Council Member Garcia to authorize the City Manager to Sign Agreement of Professional Services between Dynamic Consulting Engineers, Inc. and the City of Calexico in the Amount of \$192,574.84 for Construction Management, Geotechnical and Inspection Service for Alley Improvement Project – Phase I, II, and III. Motion passed unanimously.

FOR THE CITY COUNCIL TO ACCEPT \$40,000.00 FROM THE IMPERIAL COUNTY LAW ENFORCEMENT COORDINATION CENTER (IVLECC)/ HIGH-INTESITY DRUG TRAFFIKING AREAS (HIDTA) IN SERVICES AND EQUIPMENT AND ADOPT BUDGET AMENDMENT RESOLUTION FROM FUND 255 AMERICAN RESCUE PLAN (ARPA) IN THE AMOUNT OF \$5,952.06 AS MATCHING FUNDS TO START A NARCOTIC DETECTION PROGRAM.

Motioned by Council Member Manzanarez, seconded by Council Member Romo for the City to Accept \$40,000.00 from the Imperial County Law Enforcement Coordination Center (IVLECC) / High-Intensity Drug Trafficking Areas (HIDTA) in Services and Equipment and Adopt Budget Amendment Resolution from Fund 25 American Rescue Plan Act (ARPA) in the Amount of \$5,952.06 as Matching Funds to Start a Narcotic Detection Program. Motion passed unanimously.

PUBLIC HEARINGS

CONSIDER ADOPTION OF A RESOLUTION OF NECESSITY TO ACQUIRE BY EMINENT DOMAIN A RFEI INTEREST IN THE REAL PROPERTY LOCATED AT 216 ROCKWOOD AVENUE, CALEXICO, CALIFORNIA, AND FURTHER IDENTIFIED AS IMPERIAL COUNTY ASSESSOR'S PARCEL NUMBER 058-482-001, FOR THE PURPOSE OF CONSTRUCTING AND OPERATING THE CALEXICO INTERMODAL TRANSPORTATION CENTER PROJECT

Presentation by Jillian Lavis, Outside Real Estate Counsel for the City of Calexico regarding the eminent domain process and for the new Calexico Intermodal Transportation Center Project which will be providing 20,000 pedestrians with transportation services.

Mayor Moreno opened the public hearing at 7:50 p.m.

Eduardo Rivera, legal counsel for Mr. Loo spoke in opposition to the Resolution of Necessity. He addressed the feasibility study made eight years ago which indicated there would be no public taking of private property. Mr. Rivera provided a history of the service for Mr. Loo's business over the past forty years. He questioned taking private property when the City owns many other properties to chose from for this project. He further stated the offer made to Mr. Loo was monetarily defective. He requested a new amended feasibility study and stated the city was not transparent with Mr. Loo and requested denying the resolution.

Joong Kim stated he did not agree with the approval of the resolution. He believes this consists of illegally taking properties from the citizens and in his opinion, this is not correct.

Javier Gonzalez, ICTC Board Member stated he brought up of the issue of buying property to ICTC and questioned why the city needs to purchase property when it already owns property on First Street.

Luis Castro stated he is against the resolution and stated that as a council member in 2014, he was against transportation project and asked the council to think twice about this project because the city cannot fit the transportation center at the specified location. He expressed the need for a bigger property and further stated the council needs to make sure they are not hurting a local business.

Jose Loo stated in 2004 he bought the property and is currently still making payments. He stated he needs his warehouse for his business at which he currently has fifteen employees working for him. He further stated that without a warehouse he will not be able to continue with his business. He asked the council to consider his patrimony and his employees because approval of the resolution would be like cutting off his feet.

Christina Wong (Email) – Questioned if anybody understood the meaning of eminent domain. Stated downtown is filthy, dangerous, and needs lighting. She stated the property at 216 Rockwood belongs to a private owner who has been in business for many years and has created many jobs and sales tax for the community.

City Clerk read email comment submitted by Belinda Alvarado for items 11 and 12 requesting that the items be tabled. Ms. Alvarado questioned the transparency on the Calexico Intermodal Transportation Center and expressed her concerns over the city's ability to make the project happen, the lack of funding by the city and the county and stated it was wasting taxpayers' funds on the project. She questioned if the city had a business plan which included identifying funding sources, site control and the consequences of eminent domain against private property owners. She also asked who was paying the legal bills of the attorneys involved.

Mercedes Wheeler spoke on behalf of Mr. Loo and spoke about the lack of parking for the business if the property is taken and stated the city is taking his livelihood and that of his children.

Roberto Neti requested the council consider Mr. Loo and spoke about his history and his life's work.

Mayor Moreno closed public hearing at 8:44 p.m.

Council Member Manzanarez asked Ms. Lavis why this specific property was being targeted for eminent domain and to explain to the audience to cover their doubts.

After a lengthy discussion by council members, legal counsel and ICTC Executive Director regarding the selection of the property due the direct proximity to the point of entry, size and shape in order to accommodate both the current uses and anticipated the growth that would be needed in transportation, accessibility for pedestrians walking through downtown, the vacant building currently on the property and improvement of the safety in the area and the environmental process associated with the site, a motioned was made by Mayor Pro Tem Ureña, seconded by Council Member Manzanarez to consider Adoption of a Resolution of Necessity to Acquire by Eminent Domain a Fee Interest in the Real Property Located at 216 Rockwood Avenue, Calexico, California and Further Identified as Imperial County Assessor's Parcel Number 058-482-002. Motion passed by the following vote to wit:

AYES:	Moreno, Ureña, Garcia, Romo, Manzanarez
NOES:	None
ABSENT:	None

CONSIDER ADOPTION OF A RESOLUTION OF NECESSITY TO ACQUIRE BY EMINENT DOMAIN A FEE INTEREST IN THE REAL PROPERTY LOCATED AT 237 HEFFERNAN AVENUE, CALEXICO, CALIFORNIA, AND FURTHER IDENTIFIED AS IMPERIAL COUNTY ASSESSOR'S PARCEL NUMBER 058-482-002, FOR THE PURPOSE OF COSTRUCTING AND OPERATING THE CALEXICO INTERMODAL TRANSPORTATION CENTER PROJECT

Mayor Moreno opened the public hearing at 9:15 p.m.

Robert Silverstein, Silverstein Law representing System II, LLC, owner of the property 237 Heffernan Avenue requested for the record, to have comments for Item No. 11 also be included for Item No. 12. He requested the City Council deny the resolutions of necessity. He stated all pre-condemnation offers were all legally defective, because the city failed to recognize what is called in the law of eminent domain a functionally continuous parcel. He stated the two parcels are considered unified. He provided legal reasons as to why the Council should not approve the above resolutions of necessity. He further stated Mayor Pro Tem Ureña is a Commissioner for ICTC, therefore cannot vote because he sits on both bodies and it is illegal when voting to approve the resolution of necessity.

Joong Kim stated the city is not making a wise decision and suggested using the parking lot across the said building that already pertains to the City of Calexico. He stated city of Calexico has failed to keep downtown clean and safe. He further stated that if the city improves it, it is going to end up with a lawsuit. He requested the Council do their job to protect the citizens.

Mayor Moreno closed the public hearing at 9:33 p.m.

Motioned by Mayor Pro Tem Ureña, seconded by Council Member Manzanarez to consider Adoption of a Resolution of Necessity to Acquire by Eminent Domain a Fee Interest in the Real Property Located at 237 Heffernan Avenue, Calexico, California, and Further Identified as Parcel Number 058-482-002, for the Purpose if Constructing and Operating the Calexico Intermodal Transportation Center Project. Motion passed by the following vote to wit:

AYES:	Moreno, Ureña, Garcia, Romo, Manzanarez
NOES:	None
ABSENT:	None

INFORMATIONAL ITEM

LOCAL APPOINTMENT LIST 2023 IN CONFORMANCE WITH THE MADDY ACT, CALIFORNIA GOVERNMENT CODE 54970

Council acknowledged receipt Local Appointment List 2023 In Conformance With The Maddy Act, California Government Code 54970.

FUTURE AGENDA ITEMS

Council Member Romo requested a parks and retention basin report for 2023.

Council Member Manzanarez requested starting guidelines for the essential worker checks approved in March 2023.

Council Member Garcia wished everyone Happy Holidays and requested the night lights at the newly built new river walkway be checked because they were out.

ADJOURNMENT

There being no further business, motion was made by Council Member Garcia , seconded by Mayor Pro Tem Ureña and passed unanimously to adjourn the meeting at 9:35 p.m.

Javier Moreno, Mayor

ATTEST:

Gabriela T. Garcia, City Clerk