

AGENDA

**CITY COUNCIL
CITY OF IMPERIAL
200 WEST 9TH STREET
IMPERIAL, CA 92251-1637
APRIL 15, 2020
7:00 PM**

**THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE
GOVERNOR'S EXECUTIVE ORDER N-29-20**

To protect our constituents, City officials and City staff, the City requests all members of the public to follow the California Department of Health Services' guidance and the County of Imperial Public Health Office Order for the control of COVID-19 restricting group events and gatherings and maintaining physical distancing. Additional information regarding COVID-19 is available on the City's website at www.cityofimperial.org

1. If you choose to attend the Council meeting in person, you will be required to maintain appropriate physical distance, i.e. maintain a 6-foot distance between yourself and other individuals. Please note seating is limited.
2. You are strongly encouraged to observe the City Council meetings via Livestream at the City of Imperial Facebook page.
3. Email public comments to cityclerk@cityofimperial.org by 5:00 pm on Wednesday, April 15, 2020. Comments received by 5:00 pm will be read into the record.

TELECONFERENCE NOTICE

Pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020 and to the extent applicable Government Code Section 54953(b), this City Council Meeting may include teleconference participation by the City Council Members and City staff. Consistent with Executive Order N-29-20 teleconference locations utilized by City Council Members shall not be accessible to the public and are not subject to special posting requirements.

The City of Imperial thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

The Imperial City Council meetings, including public comments, are being Livestreamed on the City's social media pages. By remaining in the room you are giving your permission to be recorded.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE BUILDING & SAFETY DIRECTOR, (760) 355-1152. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28CFR 35.102-35.104 ADA TITLE II]

A. CITY COUNCIL CONVENES TO OPEN SESSION AT 7:00 P.M.

ROLL CALL

PLEDGE OF ALLEGIANCE

ADJUSTMENTS TO THIS AGENDA

B. PUBLIC APPEARANCES:

B-1. Matters not appearing on the agenda. If you wish to address the COUNCIL concerning any item within the COUNCIL'S jurisdiction, please raise your hand and be acknowledged by the MAYOR, and at that time state your name and address for the record. The MAYOR reserves the right to place a time limit on each person's presentation of three (3) minutes. It is requested that longer presentations be submitted to the Council in writing.

B-2. Matters appearing on the agenda. If you wish to address the COUNCIL concerning any item appearing on the agenda, please raise your hand and be acknowledged by the MAYOR, and at that time state your name and address for the record. The MAYOR reserves the right to place a time limit on each person's presentation of three (3) minutes.

C. SPECIAL PRESENTATION:

C-1. PROCLAMATION DECLARING THE MONTH OF APRIL AS "AUTISM AWARENESS MONTH."

D. CONSENT AGENDA:

All items appearing under "Consent Agenda" will be acted upon by the City Council by one motion without discussion. Should any Council member or other person request that any item be considered separately, that item will then be taken up at the time as determined by the MAYOR

D-1. Approval of claims/warrants report.

D-2. Approval of minutes for regular meetings of February 19, 2020, March 18, 2020 and special meetings of March 18, 2020 and March 24, 2020 and emergency meeting of March 21, 2020.

D-3. Approval of Resolution 2020-13 approving the application for bicycle/pedestrian funds and approval of Resolution 2020-14 approving the application for bus benches/shelters to be submitted to Imperial County Transportation Commission (ICTC).

D-4. Approval of Resolution 2020-15, designating agents for OES purposes.

E. PUBLIC HEARINGS:

E-1. SUBJECT: DISCUSSION/ACTION: APPEAL OF PLANNING COMMISSION DECISION DENYING A TIME EXTENSION, AMENDMENTS TO CONDITIONS OF APPROVAL AND REVOCATION OF CUP 19-06 LOCATED AT 2475 CARK ROAD, IMPERIAL, CA AS REQUESTED BY JUSTO FELIX.

1. OPEN PUBLIC HEARING

1a. Appellant presentation regarding basis for appeal.

1b. Staff presentation

1c. Public presentation

2. RENDER DECISION ON APPELLANT'S REQUEST TO OVERTURN PLANNING COMMISSION DECISION AND ADOPT RESOLUTION GRANTING OR DENYING APPEAL.

F. ACTION ITEMS: (DISCUSSION/ACTION – APPROVE-DISAPPROVE)

F-1. SUBJECT: DISCUSSION/ACTION: ENGINEERING SERVICES FOR WATER MASTER PLAN

1. APPROVE PROPOSAL FOR ENGINEERING SERVICES FOR WATER MASTER PLAN AS SUBMITTED BY ALBERT A. WEBB ASSOCIATES IN THE AMOUNT OF \$196,195.00

F-2. SUBJECT: DISCUSSION/ACTION: ENGINEERING SERVICES FOR WATER PROJECTS.

1. APPROVE PROPOSAL FOR ENGINEERING SERVICES AS SUBMITTED BY ALBERT A. WEBB ASSOCIATES FOR VARIOUS WATER PROJECTS IN THE AMOUNT OF \$633,630.00
 - a. Airport Pipeline Loop
 - b. GAC Expansion
 - c. WTP Clearwell Pump Station Replacement
 - d. Annual Water Pipeline Replacement
 - e. WTP Lining Raw Water Pond #4

F-3. SUBJECT: DISCUSSION/ACTION: CLARK LIFT STATION PROJECT – BID 2020-02.

1. AWARD BID TO SANCON TECHNOLOGIES IN THE AMOUNT OF \$40,000.00

F-4. SUBJECT: DISCUSSION/ACTION: WATER TREATMENT PLANT – WTP FILTER TO WASTE PROJECT – BID 2020-03

1. AWARD BID TO CORA CONSTRUCTORS, INC IN THE AMOUNT OF \$356,772.00.

F-5. SUBJECT: DISCUSSION/ACTION: SURFACE TRANSPORTATION BLOCK GRANT (STBG) FUNDS.

1. ADOPT RESOLUTION NO. 2020-12, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL APPROVING AN APPLICATION SUBMISSION TO OBTAIN FUNDING THROUGH THE FY 2020-2021 SURFACE TRANSPORTATION BLOCK GRANT (STBG).

G. REPORTS:

G-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.

G-2. SUBJECT: CITY MANAGER REPORT

G-3. SUBJECT: DEPARTMENT REPORTS.

ADJOURN CITY COUNCIL MEETING UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, MAY 6, 2020, AT 7:00 P.M.

NOTE: Any documents produced by the City and distributed to a majority of the City Council/Agency Board regarding any item on this agenda will be made available at the front counter at City Hall, located at 420 S. Imperial Avenue, during normal business hours

**PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL DECLARING THE
MONTH OF APRIL 2020, AS "AUTISM AWARENESS MONTH" AND
APRIL 2, 2020 AS "WORLD AUTISM AWARENESS DAY"**

WHEREAS, autism is the result of a neurological disorder that affects the normal functioning of the human brain, and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and

WHEREAS, symptoms and characteristics of autism may present themselves in a variety of combinations and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and

WHEREAS, more children are being diagnosed on the Autism Spectrum resulting in rates as high as one (1) in fifty four (54) children nationally, with Autism Spectrum Disorder (ASD) being four (4) times as prevalent among boys as among girls, according to the Centers for Disease Control (CDC); and

WHEREAS, autism is a reality that affects millions of families every day and while our nation has made progress in supporting those with ASD, we are only beginning to understand the factors behind the challenges they face; and

WHEREAS, the effort to address autism continues, doctors, therapists, and educators can help persons with autism overcome or adjust to its challenges and provide early, accurate diagnosis and the resulting appropriate education intervention, and therapy that are vital to future growth and development; and

WHEREAS, in April we recognize those with autism achieving and breaking down barriers and recommit to helping those on the Autism Spectrum reach their full potential; and

WHEREAS, the City of Imperial proudly supports the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the Autism Spectrum Disorder, celebrating the work of advocates, professionals and family members, and all who work to build a brighter tomorrow alongside those with autism.

NOW, THEREFORE, BE IT PROCLAIMED, that the City Council of the City of Imperial hereby proclaims April 2020 as "Autism Awareness Month" and April 2, 2020 as "World Autism Awareness Day" in the City of Imperial, to raise public awareness, acceptance and inclusion of those with autism and the myriad of issues surrounding the disorder, as well as to increase knowledge of the programs that have been and are being developed to support individuals with autism and their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Imperial to be affixed on this 15th day of April 2020.

Darrell Pechtl, Mayor

Check Register Report

Date: 04/09/2020
Time: 4:52 pm
Page: 1

CITY OF IMPERIAL

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
92661	04/03/2020	Printed		001	A T S LABS, INC.		12,897.04
92662	04/03/2020	Printed		6976	ALAN ZAVALA		126.23
92663	04/03/2020	Printed		2357	ALL VALLEY FENCE		3,420.90
92664	04/03/2020	Printed		5956	AMAZON CAPITAL SERVICES		420.99
92665	04/03/2020	Printed		3115	AMERICAN WATER WORKS ASSOC		1,295.00
92667	04/03/2020	Printed		656	AQUA METRIC		9,627.90
92668	04/03/2020	Printed		2081	ARAMARK UNIFORM SERVICE		3,099.31
92669	04/03/2020	Printed		1066	AT & T		2,306.41
92670	04/03/2020	Printed		1851	AT&T LONG DISTANCE		118.96
92671	04/03/2020	Printed		6967	AUTISM SUPPORT OF IMPERIAL COU		40.00
92672	04/03/2020	Printed		5994	AUTOZONE INC.		367.56
92674	04/03/2020	Printed		4400	BABCOCK LABORATORIES, INC.		4,289.00
92675	04/03/2020	Printed		6370	BIG STATE INDUSTRIAL SUPPLY		5,278.51
92676	04/03/2020	Printed		250	BLUE SHIELD OF CALIFORNIA		29,642.94
92677	04/03/2020	Printed		1255	BOB MURRAY & ASSOCIATES		4,907.73
92678	04/03/2020	Printed		674	BRENNTAG		18,647.13
92679	04/03/2020	Printed		6286	BURKE, WILLIAMS & SORENSEN, LL		16,462.50
92680	04/03/2020	Printed		4627	CALIFORNIA SOCIETY OF MUNICIPA		110.00
92681	04/03/2020	Printed		455	CALIFORNIA STATE DISBURSEMENT		618.46
92682	04/03/2020	Printed		3669	CANON		647.97
92683	04/03/2020	Printed		529	CHARLES P. CROWLEY		4,966.73
92684	04/03/2020	Printed		6982	CHRISTINA SANTANA		104.00
92685	04/03/2020	Printed		6222	CODE EXXPERS, LLC		1,378.36
92686	04/03/2020	Printed		1744	CONVEYOR GROUP		213.75
92687	04/03/2020	Printed		514	CORE & MAIN LP		7,966.17
92692	04/03/2020	Printed		6857	COUNTY MOTOR PARTS CO, INC		3,366.73
92693	04/03/2020	Printed		6558	CS-AMSCO		1,250.00
92694	04/03/2020	Printed		6919	DAVID RAMIREZ		82.00
92695	04/03/2020	Printed		2815	DEVELOPMENT MANAGEMENT GROUP		4,000.00
92696	04/03/2020	Printed		6642	EDD		100.00
92697	04/03/2020	Printed		207	EL CENTRO MOTORS		120.81
92698	04/03/2020	Printed		226	EL CENTRO REGIONAL		39.00
92699	04/03/2020	Printed		6980	ELIZABETH HERNANDEZ		111.85
92700	04/03/2020	Printed		818	ERS INDUSTRIAL SERVICES, INC.		168,910.00
92701	04/03/2020	Printed		1307	EXECUTIVE LANDSCAPE INC		27,775.00
92702	04/03/2020	Printed		2058	FASTENAL COMPANY		36.15
92703	04/03/2020	Printed		3321	FIRE SERVICE CORP.		350.00
92704	04/03/2020	Printed		6052	FRANCISCO CEJA		173.87
92705	04/03/2020	Printed		710	GRAINGER		1,185.16
92706	04/03/2020	Printed		6002	HALF BAKED POWDER COATING LLC		750.00
92707	04/03/2020	Printed		2096	HOME DEPOT CREDIT SERVICES		679.64
92708	04/03/2020	Printed		1190	ICMA RC		2,040.19
92709	04/03/2020	Printed		6065	IER ENVIRONMENTAL SERVICES INC		8,071.43
92710	04/03/2020	Printed		4637	IMPERIAL COUNTY PUBLIC HEALTH		520.00
92711	04/03/2020	Printed		2914	IMPERIAL COUNTY TRANSPORTATION		2,273.26
92712	04/03/2020	Printed		028	IMPERIAL IRRIGATION DISTRICT		47,135.66
92713	04/03/2020	Printed		102	IMPERIAL POLICE OFFICERS ASSN.		700.00
92714	04/03/2020	Printed		122	IMPERIAL STORES		454.52
92715	04/03/2020	Printed		3187	IMPERIAL TRUSS & LUMBER CO.		359.62

Check Register Report

Date: 04/09/2020

Time: 4:52 pm

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CITY OF IMPERIAL

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
92716	04/03/2020	Printed		2099	IMPERIAL VALLEY OCCUPATIONAL M		967.40
92717	04/03/2020	Printed		350	IMPERIAL VALLEY PAINT CENTER		146.62
92718	04/03/2020	Printed		1555	IMPERIAL VALLEY PRESS		1,941.77
92719	04/03/2020	Printed		320	INTERNAL REVENUE SERVICE		150.00
92720	04/03/2020	Printed		6977	JESUS ZAZUETA		71.48
92721	04/03/2020	Printed		6046	JNE POLYGRAPH		375.00
92722	04/03/2020	Printed		6365	JOHN DEERE FINANCIAL		167.39
92723	04/03/2020	Printed		601	JT TOWING & AUTO REPAIR		85.00
92725	04/03/2020	Printed		868	K-C WELDING & RENTALS, INC.		370.92
92726	04/03/2020	Printed		2901	KIMBALL MIDWEST		325.71
92727	04/03/2020	Printed		035	KISCO SALES, INC.		2,111.92
92728	04/03/2020	Printed		5580	KOPPEL & GRUBER PUBLIC FINANCE		12,117.34
92729	04/03/2020	Printed		1647	LA BRUCHERIE IRRIGATION SUPPLY		315.64
92730	04/03/2020	Printed		6979	LAUREN EARLY		108.96
92731	04/03/2020	Printed		6985	LESLIE AGUIRRE		40.00
92733	04/03/2020	Printed		401	LOWE'S		331.23
92734	04/03/2020	Printed		6225	MARTIN BRAVO		65.67
92735	04/03/2020	Printed		2295	NEW BORDER TACTICAL, INC		160.39
92736	04/03/2020	Printed		4481	O'REILLY		631.34
92737	04/03/2020	Printed		079	ONE SOURCE DISTRIBUTORS		3,061.53
92738	04/03/2020	Printed		219	PADRE USA		1,406.68
92739	04/03/2020	Printed		3581	PARKHOUSE TIRE INC.		30.15
92740	04/03/2020	Printed		081	PETTY CASH		10.78
92741	04/03/2020	Printed		084	PITNEY BOWES PURCHASE POWER		400.00
92742	04/03/2020	Printed		6983	PROFESSIONAL INTERPRETING, LLC		1,904.00
92743	04/03/2020	Printed		133	RAIN FOR RENT		2,406.34
92744	04/03/2020	Printed		694	REXEL OF AMERICA, LLC		342.16
92745	04/03/2020	Printed		6975	RICARDO ISLAS		112.35
92746	04/03/2020	Printed		2564	ROGERS & ROGERS CHRYSLER JEEP		49.44
92747	04/03/2020	Printed		957	SC FUELS		2,505.72
92748	04/03/2020	Printed		1239	SHERWIN-WILLIAMS		263.07
92749	04/03/2020	Printed		3262	SIMNSA HEALTH PLAN		11,296.42
92751	04/03/2020	Printed		091	STAPLES CREDIT PLAN		183.74
92752	04/03/2020	Printed		6193	STRADLING YOCCA		37.50
92753	04/03/2020	Printed		6416	CARLSON&RAUTH, SUN DATA SUPPLY		186.40
92754	04/03/2020	Printed		104	TEAMSTERS, LOCAL 542		1,728.00
92755	04/03/2020	Printed		5774	TOTAL INDUSTRIES INC.		444.02
92756	04/03/2020	Printed		6260	TUSCANY NINE, INC.		55,633.60
92760	04/03/2020	Printed		5837	U.S. BANK		10,412.23
92761	04/03/2020	Printed		6951	U.S. DEPARTMENT OF EDUCATION		457.11
92762	04/03/2020	Printed		6883	ULINE		597.01
92763	04/03/2020	Printed		2008	UNITED PARCEL SERVICE		51.81
92764	04/03/2020	Printed		1100	USA BLUEBOOK		3,686.48
92765	04/03/2020	Printed		611	VERIZON WIRELESS		4,012.71
92767	04/03/2020	Printed		1132	WELLS FARGO BANK MN, N.A.		587,601.02
92768	04/03/2020	Printed		6981	WILLIAM HARDISTY		77.59
92769	04/03/2020	Printed		487	XPRESS LUBE		57.22
92771	04/03/2020	Printed		6984	ANA AMAYA		949.13
92772	04/03/2020	Printed		132	COSTCO WHOLESALE		127.91
92773	04/03/2020	Printed		101	LINCOLN LIFE		1,076.00
92774	04/03/2020	Printed		2295	NEW BORDER TACTICAL, INC		58.13

Check Register Report

CITY OF IMPERIAL

BANK: UNION BANK

Date: 04/09/2020

Time: 4:52 pm

Page: 3

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
92775	04/03/2020	Printed		6974	RSC PACKAGING AND SAFETY CORP		474.10
92776	04/03/2020	Printed		135	SOCALGAS		56.67
92777	04/03/2020	Printed		944	UNITED WAY OF IMPERIAL COUNTY		7.00
92778	04/03/2020	Printed		1715	WAXIE SANITARY SUPPLY0		149.12
92779	04/03/2020	Printed		6978	YHEZEL VARGAS		103.10
92857	04/09/2020	Printed		6301	IMPERIAL BRATTON, LP		102,338.69

Total Checks: 106

Checks Total (excluding void checks): 1,214,217.15

Total Payments: 106

Bank Total (excluding void checks): 1,214,217.15

Total Payments: 106

Grand Total (excluding void checks): 1,214,217.15

MINUTES
CITY COUNCIL
And
SUCCESSOR AGENCY
CITY OF IMPERIAL
FEBRUARY 19, 2020

COUNCIL MEMBERS PRESENT: EUGENIO, TUCKER, AND PECHTL
COUNCIL MEMBERS ABSENT: AMPARANO AND DALE
OTHERS PRESENT: CITY MANAGER MORITA, ASSISTANT CITY
MANAGER BROWN, AND CITY CLERK JACKSON

A. CITY COUNCIL CONVENED TO CLOSED SESSION at 6:10 PM

**A-1. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

One Case (No. 18-2)

A-2. SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION (54954.5(e))

Title: Interim City Manager

CITY COUNCIL ADJOURNED CLOSED SESSION

B. CITY COUNCIL CONVENED TO OPEN SESSION

MAYOR PECHTL called the meeting to order at 7:00 PM.

COUNCIL MEMBERS PRESENT: DALE (IN AT 7:15), EUGENIO, TUCKER, AND
PECHTL

COUNCIL MEMBERS ABSENT: AMPARANO

OTHER OFFICIALS PRESENT: CITY ATTORNEY MORITA, ASSISTANT CITY
MANAGER BROWN, PUBLIC SERVICES
DIRECTOR LOPER, FIRE CHIEF ESTRADA,
POLICE CHIEF BARRA, COMMUNITY SERVICES
DIRECTOR HALLER, PARKS DIRECTOR LOPEZ,
IT DIRECTOR ESTRADA, ADMINISTRATIVE
SERVICES DIRECTOR GUTIERREZ,
COMMUNITY DEVELOPMENT DIRECTOR MORA,
AND CITY CLERK JACKSON

PLEDGE OF ALLEGIANCE was led by COUNCIL MEMBER EUGENIO.

ADJUSTMENTS TO THIS AGENDA

It was requested to table items D-2 and D-8 of the Consent agenda and to pull item D-9 for separate discussion and action.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:

City Attorney Morita reported that there was no reportable action taken in Closed Session.

C. PUBLIC APPEARANCES:

C-1. Off-agenda items: None.

C-2. Agenda items: April King, IV Food Bank requested Council approval of item E-4.

D. CONSENT AGENDA:

- D-1.** Approval of claims/warrants report.
- D-2.** Approval of Treasurers' Report for the months of October 2019, November 2019, and December 2019.
- D-3.** Approval of minutes for Regular City Council meetings of November 20, 2019 and December 4, 2019.
- D-4.** Authorization to send claim rejection letter to Michael Loyd as requested by Carl Warren & Company.
- D-5.** Approval of expenditure – purchase of maintenance parts from Trojan UV Technologies for UV System at Wastewater Plant in the amount \$14,371.84.
- D-6.** Approval of expenditure – purchase of maintenance parts from Huber Technologies for headworks at Wastewater Plant in the amount of \$12,683.43.
- D-7.** Approval to waive reading in full and adopt Ordinance No. 805, An Ordinance of the City of Imperial Amending the Imperial City Code to Change the Zoning Designation From R-1 (Residential Single Family) to C-1 (Commercial Neighborhood) for APN 064-151-002.
- D-8.** Approval of Community Facilities District (CFD) Disbursement Request as requested by Monterrey Park (CFD 2006-1) 5th payment of reimbursement 1-2018 (payment 2020-01).
- D-9.** SUCCESSOR AGENCY: Approval of Subordination Agreement for Imperial Gardens Apartments (\$100,000.00)

Motion by TUCKER, second by EUGENIO to approve items D-1, D-3, D-4, D-5, D-6, and D-7.

AYES: EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO AND DALE

MOTION CARRIED 3-0

E. ACTION ITEMS:

E-1. SUBJECT: WATER TREATMENT PLANT – ATEN BOOSTER STATION.

1. APPROVE PURCHASE OF VARIABLE FREQUENCY DRIVE FROM SULZER IN THE AMOUNT OF \$10,559.50.

Motion by TUCKER, second by EUGENIO to approve the purchase.

AYES: EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO AND DALE

MOTION CARRIED 3-0

E-2. SUBJECT: WATER TREATMENT PLANT – ATEN BOOSTER STATION.

1. APPROVE CONTRACT WITH SULZER FOR INSTALLATION OF VARIABLE FREQUENCY DRIVE IN THE AMOUNT OF \$8,740.00.

Motion by TUCKER, second by EUGENIO to approve the contract with Sulzer.

AYES: EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO AND DALE

MOTION CARRIED 3-0

E-3. SUBJECT: AMERICAN ASSOCIATION OF RETIRED PERSONS TAX ASSISTANCE PROGRAM.

1. APPROVAL OF THE AMERICAN ASSOCIATION OF RETIRED PERSONS TO HOST ITS TAX ASSISTANCE PROGRAM FROM FEBRUARY 18 TO APRIL 7, 2020 AT THE CITY OF IMPERIAL PUBLIC LIBRARY COMMUNITY ROOM.

Motion by TUCKER, second by EUGENIO to approve the use of the community room.

AYES: EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO AND DALE

MOTION CARRIED 3-0

E-4. SUBJECT: IMPERIAL VALLEY FOOD BANK 10K RUN.

1. APPROVAL OF THE IMPERIAL VALLEY FOOD BANK TO HOST ITS 10K RUN ON MARCH 28, 2020 WITHIN CITY LIMITS.

Motion by TUCKER, second by EUGENIO to approve the event.

AYES: EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO AND DALE

MOTION CARRIED 3-0

E-5. SUBJECT: ATEN BOULEVARD SIDEWALK PROJECT PHASE 2 FROM LA BRUCHERIE ROAD TO SHILOH ROAD BID 2019-02.

1. ACCEPTANCE OF PROJECT AS COMPLETED BY PYRAMID CONSTRUCTION AND AUTHORIZE THE FILING OF THE NOTICE OF COMPLETION.

Motion by TUCKER, second by EUGENIO to accept the project as completed and authorize the filing of the Notice of Completion.

AYES: EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO AND DALE

MOTION CARRIED 3-0

E-6. SUBJECT: ATEN BOULEVARD BIKE PATH FROM "P" STREET TO DOGWOOD ROAD.

1. AUTHORIZATION TO SEEK BIDS FOR THE CONSTRUCTION OF THE ATEN BOULEVARD BIKE PATH FROM "P" STREET TO DOGWOOD ROAD.

COUNCIL MEMBER DALE ARRIVED AT 7:15 PM.

E-7. SUBJECT: CITY REPRESENTATION AT THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) REGIONAL CONFERENCE & GENERAL ASSEMBLY TO BE HELD MAY 6-8, 2020 IN PALM DESERT, CALIFORNIA.

1. APPOINTMENT OF DELEGATE AND ALTERNATE FOR CITY REPRESENTATION AT THE REGIONAL CONFERENCE & ASSEMBLY

Motion by TUCKER, second by EUGENIO to appoint DARRELL PECHTL as Delegate and ROBERT AMPARANO as Alternate.

AYES: DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO

MOTION CARRIED 4-0

E-8. SUBJECT: MAYOR'S APPOINTMENT OF COUNCIL MEMBERS TO VARIOUS BOARDS AND COMMISSIONS.

1. APPOINTMENT OF CITY COUNCIL LIAISONS TO BOARDS AND COMMISSIONS.

Motion by TUCKER, second by EUGENIO to not make any changes and keep appointments as are currently held.

AYES: DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO

MOTION CARRIED 4-0

E-9. SUBJECT: TRAFFIC ENGINEERING STUDY.

1. AUTHORIZATION TO SEEK BIDS FOR TRAFFIC ENGINEERING STUDY OF THE NORTHWEST QUADRANT OF THE CITY OF IMPERIAL.

Motion by DALE, second by TUCKER to authorize staff to seek bids.

AYES: DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: AMPARANO

MOTION CARRIED 4-0

E-10. SUBJECT: DESIGN AND ENGINEERING SR-86.

1. AUTHORIZATION TO SEEK BIDS FOR DESIGN, ENGINEERING, TRAFFIC, AND ENVIRONMENTAL STUDY OF SR-86.

Motion by TUCKER, second by EUGENIO to authorize staff to seek bids.

AYES: DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: AMPARANO

MOTION CARRIED 4-0

E-11. SUBJECT: 2020 COPS OFFICE HIRING PROGRAM APPLICATION

1. AUTHORIZATION TO SUBMIT APPLICATION FOR 2020 COPS OFFICE HIRING PROGRAM GRANT FUNDING OPPORTUNITY.

Motion by EUGENIO, second by TUCKER to authorize the submittal of an application.

AYES: DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: AMPARANO

MOTION CARRIED 4-0

E-12. SUBJECT: 2020 COPS OFFICE SCHOOL VIOLENCE PREVENTION PROGRAM.

1. AUTHORIZATION FOR IMPERIAL POLICE DEPARTMENT TO SUBMIT APPLICATION FOR THE 2020 COPS OFFICE SCHOOL VIOLENCE PREVENTION PROGRAM FUNDING OPPORTUNITY.

Motion by DALE, second by DALE to authorize the submittal of application.

AYES: DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: AMPARANO

MOTION CARRIED 4-0

E-13. SUBJECT: 2020 COPS COMMUNITY POLICING DEVELOPMENT (CPD)

1. AUTHORIZATION FOR THE CITY OF IMPERIAL TO SUBMIT APPLICATION FOR 2020 COPS COMMUNITY POLICING DEVELOPMENT PROGRAM.

Motion by DALE, second by TUCKER to authorize staff to submit application.

AYES: DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE

ABSENT: AMPARANO

MOTION CARRIED 4-0

E-14. SUBJECT: REGULAR CITY COUNCIL MEETING OF MARCH 4, 2020.

1. DETERMINE IF QUORUM WILL BE PRESENT FOR THE REGULAR MEETING OF MARCH 4, 2020 AND CANCEL OR POSTPONE MEETING AS NECESSARY.

Motion by TUCKER, second by EUGENIO to cancel the regular meeting for March 4, 2020.

AYES: DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO

MOTION CARRIED 4-0

CONSENT AGENDA ITEM D-9. SUCCESSOR AGENCY: Approval of Subordination Agreement for Imperial Gardens Apartments (\$100,000.00)

Motion by TUCKER, second by EUGENIO to approve

AYES: DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO

MOTION CARRIED 4-0

F. REPORTS:

F-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.

DALE reported on the Tri-Tip Cook-Off and State of the City events.

EUGENIO reported on the Tri-Tip Cook-Off and State of the City events. Also attended the IV Food Bank event.

F-2. SUBJECT: CITY MANAGER REPORT.

Assistant City Manager Brown directed Council to the Manager's Memo for information and upcoming events.

F-3. SUBJECT: DEPARTMENT REPORTS.

Kris Haugh NAF CAO reminded Council of the upcoming events at NAF; Food Fest and Air Show.

Brian Thomason, IUSD Superintendent spoke in regards to Measure P – IUSD School Bond Measure that is on the April 2, 2020 ballot.

CITY COUNCIL MEETING ADJOURNED AT 7:50 PM UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, MARCH 4, 2020 AT 7:00 P.M.

MINUTES
CITY COUNCIL
CITY OF IMPERIAL
MARCH 18, 2020

COUNCIL MEMBERS PRESENT: AMPARANO, DALE, EUGENO, TUCKER, AND PECHTL

A. CITY COUNCIL CONVENED TO CLOSED SESSION AT 6:00 PM

A-1. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

One Case (No. 18-2)

A-2. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Section 54956.9 (c))

One Potential Case

A-3. SUBJECT: PUBLIC EMPLOYEE APPOINTMENT (54957 (b) (1))

TITLE: City Manager

CITY COUNCIL ADJOURNED CLOSED SESSION

B. CITY COUNCIL CONVENED TO OPEN SESSION

MAYOR PECHTL called the meeting to order at 7:00 PM

COUNCIL MEMBERS PRESENT: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

OTHER OFFICIALS PRESENT: CITY ATTORNEY MORITA, ASSISTANT CITY MANAGER BROWN, PUBLIC SERVICES DIRECTOR LOPER, POLICE CHIEF BARRA, IT DIRECTOR ESTRADA, ADMINISTRATIVE SERVICES DIRECTOR GUTIERREZ, COMMUNITY DEVELOPMENT DIRECTOR, AND CITY CLERK JACKSON

MAYOR PECHTL called for a moment of silence which was followed by the Pledge of Allegiance led by City Clerk Jackson.

ADJUSTMENTS TO THIS AGENDA:

Staff requested Item F-1 and F-2 be pulled from the agenda as events have been cancelled due to the COVID-19 pandemic.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:

CITY ATTORNEY MORITA announced that no reportable action was taken in Closed Session.

C. PUBLIC APPEARANCES:

C-1. Matters not appearing on the agenda.

SUSAN PARADIS, IMPERIAL CHAMBER OF COMMERCE. Ms. Paradis informed Council of the change in office hours for the chamber. The new hours are 8 am to 1 pm.

APRIL ROBBINS, Imperial resident addressed council with various questions and concerns regarding water account deposits and requested the city have reduced rates for seniors and low-income residents.

C-2. Matters appearing on the agenda.

None.

D. SPECIAL PRESENTATION:

D-1. INTRODUCTION OF NEW IMPERIAL POLICE OFFICER ANA C. AMAYA AND IMPERIAL RESERVE OFFICER TIFFANY COOPER.

Introductions not made at this time.

E. CONSENT AGENDA:

E-1. Approval of claims/warrants report.

E-2. Approval of Treasurers' Report for the months of October 2019, November 2019, December 2019, and January 2020.

E-3. Approval of minutes for Regular City Council meetings of December 18, 2019, January 15, 2020, and February 5, 2020.

E-4. Approval of Community Facilities District (CFD) Disbursement Request as requested by Monterrey Park (CFD 2006-1) 5th payment of reimbursement 1-2018 (payment 2020-01).

Motion by AMPARANO, second by TUCKER to approve the Consent Agenda withholding warrants 91948, 91953, 92176, and 92183 for separate vote.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

Motion by AMPARANO, second by TUCKER to approve warrant 91948 payable to Ametza.

AYES: AMPARANO, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: DALE

ABSENT: NONE

MOTION CARRIED 4-0-1

Motion by AMPARANO, second by TUCKER to approve warrant 91953 payable to Art Eugenio.

AYES: AMPARANO, DALE, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: EUGENIO

ABSENT: NONE

MOTION CARRIED 4-0-1

Motion by AMPARANO, second by TUCKER to approve warrant 92176 payable to Darrell Pechtl.

AYES: AMPARANO, DALE, EUGENIO, AND TUCKER

NOES: NONE

ABSTAIN: PECHTL

ABSENT: NONE

MOTION CARRIED 4-0-1

Motion by AMPARANO, second by TUCKER to approve warrant 92183 payable to Karin Eugenio.

AYES: AMPARANO, DALE, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: EUGENIO

ABSENT: NONE

MOTION CARRIED 4-0-1

F. ACTION ITEMS:

F-1. SUBJECT: FACILITY USE AGREEMENT FOR IMPERIAL VALLEY SOCCER ASSOCIATION (IVUSA)

1. APPROVE THE FACILITY USE AGREEMENT FOR THE IMPERIAL VALLEY UNITED SOCCER ASSOCIATION FOR USE OF THE CITY'S RETENTION BASIN ADJACENT TO JOSHUA TREE PARK.

ITEM PULLED FROM THE AGENDA.

F-2. SUBJECT: IMPERIAL FIRST SOUTHERN BAPTIST CHURCH ANNUAL EASTER EGG HUNT.

1. APPROVAL OF FIRST SOUTHERN BAPTIST CHURCH TO HOST ITS ANNUAL EASTER EGG HUNT AT EAGER PARK ON APRIL 11, 2020.

ITEM PULLED FROM THE AGENDA.

F-3. SUBJECT: SKY RANCH BLOCK WALL PROJECT – BID 2020-01.

1. AWARD BID TO PYRAMID CONSTRUCTION FOR THE DEMOLITION AND CONSTRUCTION OF BLOCK WALL LOCATED AT SKY RANCH SUBDIVISION IN THE AMOUNT OF \$724,281.50

Motion by TUCKER, second by EUGENIO to award bid to Pyramid Construction.

AYES: AMPARANO, EUGENIO, TUCKER, AND PECHTL

NOES: DALE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 4-1

F-4. SUBJECT: PURCHASE OF EQUIPMENT – PUBLIC SERVICES DEPARTMENT.

1. APPROVE PURCHASE OF MAINTENANCE PUMP FROM XYLEM IN THE AMOUNT OF \$56,912.12.

Motion by DALE, second by TUCKER to approve the purchase.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABENT: NONE

MOTION CARRIED 5-0

F-5. SUBJECT: DISPOSAL OF SURPLUS EQUIPMENT – WATER TREATMENT PLANT.

1. APPROVE RESOLUTION 2020-06, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, AUTHORIZING DISPOSAL OF SURPLUS EQUIPMENT.

Motion by AMPARANO, second by TUCKER to approve Resolution 2020-06.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

F-6. SUBJECT: STATE OF CALIFORNIA INFILL INFRASTRUCTURE GRANT PROGRAM APPLICATION.

1. APPROVE RESOLUTION 2020-07, AUTHORIZING THE CITY TO APPLY FOR AN AWARD FROM THE INFILL INFRASTRUCTURE PROGRAM.

Motion by DALE, second by TUCKER to approve Resolution 2020-07.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

F-7. SUBJECT: LA BRUCHERIE ROAD WIDENING PROJECT FROM ATEN BOULEVARD TO TRESHILL ROAD.

1. FUNDING SOURCE (DISCUSSION ONLY – NO ACTION)

F-8. SUBJECT: UTILITY BILLING SOFTWARE – ANNUAL MAINTANANCE.

1. APPROVE DISBURSEMENT OF FUNDS FOR UTILITY BILLING SOFTWARE SERVICE TO HARRIS COMPUTER SYSTEMS IN THE AMOUNT OF \$18,431.36

Motion by AMPARANO, second by TUCKER to approve the request.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

F-9. SUBJECT: WATER METER READING INFRASTRUCTURE SYSTEM

1. APPROVE DISBURSEMENT OF FUNDS FOR THE SENSUS (AQUA METRIC) BASE STATION – WIRELESS IMPROVEMENT PROJECT IN THE AMOUNT OF \$67,125.00

Motion by TUCKER, second by AMPARANO to approve the request.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

F-10. SUBJECT: IMPERIAL COUNTY SCHOOL THREAT PROTOCOL.

1. APPROVAL OF IMPERIAL COUNTY SCHOOL THREAT PROTOCOL

Motion by AMPARANO, second by DALE to approve the IC School Threat Protocol.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

F-11. SUBJECT: CALEXICO PORT OF ENTRY PHASE 3.

1. AUTHORIZATION TO SUBMIT LETTER TO SENATE AND HOUSE OF REPRESENTATIVES REQUESTING SUPPORT OF THE \$99.7 MILLION DOLLAR FUNDING ALLOCATION FOR THE CALEXICO WEST PORT OF ENTRY PROJECT, PHASE 3.

Motion by AMPARANO, second by DALE to authorize the submittal of letter.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

F-12. SUBJECT: RATE INCREASE TO WASTE SERVICES PROVIDED BY REPUBLIC SERVICES.

1. APPROVAL OF RATE INCREASE TO WASTE SERVICES DUE TO MANDATORY ORGANICS RECYCLING.

No action taken at this time.

F-13. SUBJECT: IMPERIAL COMMUNITY PARK PROJECT DESIGN & ENGINEERING SERVICES.

1. AWARD CONTRACT FOR THE IMPERIAL COMMUNITY PARK PROJECT DESIGN & ENGINEERING TO HERMANN DESIGN GROUP IN THE AMOUNT OF \$519,400.00.

Motion by AMPARANO, second by TUCKER to table the item to a future date.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL.

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

**F-14. SUBJECT: DEPARTMENT OF TRANSPORTATION ORDER NO. 2020-3-1
REGARDING ESSENTIAL AIR SERVICE TO IMPERIAL COUNTY
AIRPORT.**

1. APPROVAL TO SUBMIT LETTER IN SUPPORT OF THE COUNTY OF IMPERIAL'S REQUEST FOR A WAIVER IN RELATION TO THE DEPARTMENT OF TRANSPORTATION'S ORDER NO. 2020-3-1.

Motion by AMPARANO, second by DALE to approve the submittal of letter in support.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

F-15. SUBJECT: COUNCIL APPOINTMENT TO CITIZEN ADVISORY COMMITTEE.

1. APPOINTMENT OF CITY REPRESENTATIVE TO CALIFORNIA DEPARTMENT OF CORRECTIONS CITIZEN ADVISORY COMMITTEE.

Motion by AMPARANO, second by DALE to appoint Council member Tucker as primary and Sgt. Sheffield as alternate representative.

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: TUCKER

ABENT: NONE

MOTION CARRIED 4-0-1

F-16. SUBJECT: STATE OF EMERGENCY EXECUTIVE ORDER N-25-20

1. DISCUSSION REGARDING CALIFORNIA STATE OF EMERGENCY EXECUTIVE ORDER: N-25-20 AS IT RELATES TO UPCOMING SPECIAL EVENTS WITHIN THE CITY OF IMPERIAL.

Discussed with special agenda item to declare emergency in the City of Imperial.

**F-17. SUBJECT: OUTSTANDING COMMUNITY FACILITIES DISTRICT TAXES FOR
MAYFIELD CFD 2004-02 AND BRATTON CFD 2004-3.**

1. APPROVAL TO PROCEED WITH STRIPPING OF DELINQUENT SPECIAL TAX INSTALLMENTS FROM THE COUNTY TAX ROLL FOR COMMUNITY FACILITIES DISTRICT NO. 2004-2 (MAYFIELD) AND 2004-3 (BRATTON) FOR 2016-2017, 2017-2018, AND 2018-2019.

Motion by TUCKER, second by DALE to approve the stripping of delinquent special taxes from the county tax rolls as presented.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

F-18. SUBJECT: DISCUSSION/ACTION: RESIDENTIAL WATER DISCONNECT POLICY – SB 998

1. APPROVAL OF RESOLUTION 2020-08, ADOPTING THE RESIDENTIAL WATER DISCONNECT POLICY AND PRESERVING RESOLUTION 2016-21 AS IT RELATES TO NON-RESIDENTIAL ACCOUNTS FOR WATER AND ALL ACCOUNTS FOR SEWER, SOLID WASTE, AND STATE AB939.

Motion by AMPARANO, second by TUCKER to approve Resolution 2020-08.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

2. APPROVE EXPENDITURE OF FUNDS FOR TRANSLATION OF RESIDENTIAL WATER DISCONNECT POLICY INTO FIVE (5) LANGUAGES AS REQUIRED BY LAW.

Motion by AMPARANO, second by TUCKER to approve use of funds for translation purposes.

AYES: AMPARANO, EUGENIO, TUCKER, AND PECHTL
NOES: DALE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 4-1

G. REPORTS:

G-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.

DALE encouraged everyone to stay safe and be careful during this time of dealing with the COVID-19 pandemic.

EUGENIO noted this is an interesting and challenging time for everyone. Stated she has witnessed a lot of acts of kindness around town.

PECHTL noted we are at a time in our country where we all need to work together. Encouraged everyone to heed the warnings and stay safe.

G-2. SUBJECT: CITY MANAGER REPORT.

None.

G-3. SUBJECT: DEPARTMENT REPORTS.

KRIS HAUGH, NAF, CAO reported that NAF is quiet for the time being.

CITY COUNCIL MEETING ADJOURNED AT 8:45 PM UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, APRIL 1, 2020 AT 7:00 P.M.

**MINUTES FOR A
SPECIAL MEETING OF THE CITY COUNCIL
CITY OF IMPERIAL
MARCH 18, 2020
6:00 P.M.**

THIS SPECIAL MEETING WAS HELD CONCURRENT WITH REGULAR MEETING

A. CITY COUNCIL CONTINUED IN CLOSED SESSION FOR THE FOLLOWING ITEM:

A-4. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)

City of Imperial vs. Delinquent CFD property owners (CFD District No. 2004-3 Bratton and CFD District 2004-2 Mayfield).

CONTINUED WITH BALANCE OF REGULAR MEETING AGENDA.

**MINUTES FOR A
SPECIAL MEETING OF THE CITY COUNCIL
CITY OF IMPERIAL
MARCH 18, 2020**

THIS SPECIAL MEETING WAS HELD CONCURRENT WITH THE REGULAR MEETING

F. ACTION ITEM:

F-19. SUBJECT: DECLARATION OF EMERGENCY DUE TO CORONAVIRUS “COVID-19”.

1. ADOPTION OF RESOLUTION 2020-09 DECLARING A LOCAL STATE OF EMERGENCY FOR THE CITY OF IMPERIAL FOR THE CORONAVIRUS “COVID-19”.

Motion by DALE, second by AMPARANO to adopt Resolution 2020-09.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

CONTINUED WITH BALANCE OF REGULAR MEETING AGENDA.

**MINUTES
SPECIAL WORKSESSION OF THE CITY COUNCIL
CITY OF IMPERIAL
MARCH 18, 2020**

CITY COUNCIL CONVENED IN A WORKSESSION AT 5:00 P.M.

**COUNCIL MEMBERS PRESENT: AMPARANO, DALE, EUGENIO, TUCKER,
AND PECHTL**

**OTHER OFFICIALS PRESENT: CITY ATTORNEY MORITA, ASSISTANT
CITY MANAGER BROWN, PUBLIC
SERVICES DIRECTOR LOPER, AND CITY
CLERK JACKSON**

A. PUBLIC APPEARANCES:

None.

B. WORKSESSION:

B-1. SUBJECT: WATER BOND PROJECTS.

1. PRESENTATION, REVIEW AND DISCUSSION OF PROJECTS AS
PROPOSED BY WEBB ASSOCIATES AND STAFF.

BRIAN KNOLL, Sr. Vice President, Albert A. Webb Associates led the presentation and discussion of various projects for consideration by City Council to proceed with. The proposed projects are:

- WTP Sedimentation Basin: Settling Plate Replacement
- WTP Filter to Waste Piping
- Hwy 86 & Barioni Waterline Replacement
- Airport Waterline Loop
- GAC Expansion and Clearwell Pump Station
- Water Pipeline Replacements
- Water Master Plan
- WTP Lining Raw Water Basin #4
- WTP Finished Water Reservoir #2
- WTP Filter Expansion

Presented was the project summary and projected cost of each one. These would be paid for out of water bond funds.

CITY COUNCIL WORKSESSION ADJOURNED.

**MINUTES
EMERGENCY MEETING OF THE
CITY COUNCIL
CITY OF IMPERIAL
MARCH 20, 2020**

NOTICE: an Emergency City Council meeting was called for Friday, March 20, 2020 at 5:30 p.m. In an effort to reduce the risk of spreading Coronavirus (COVID-19), some members of the City Council participated via teleconference.

A. CITY COUNCIL CONVENED TO OPEN SESSION:

MAYOR PECHTL called the meeting to order at 5:35 PM.

ROLL CALL:

COUNCIL MEMBERS PRESENT: AMPARANO, DALE, EUGENIO, TUCKER (participated remotely), and PECHTL (participated remotely)

OTHER OFFICIALS PRESENT: CITY ATTORNEY MORITA, ASSISTANT CITY
MANAGER BROWN, CITY CLERK JACKSON,
POLICE CHIEF BARRA, AND SGT. SHEFFIELD

PLEDGE OF ALLEGIANCE: dispensed.

B. ACTION ITEMS:

B-1. SUBJECT: DISCUSSION/ACTION TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.5 (c).

1. MOTION/AGREEMENT BY A TWO-THIRDS VOTE OF THE MEMBERS OF THE LEGISLATIVE BODY PRESENT, OR, IF LESS THAN TWO-THIRDS OF THE MEMBERS ARE PRESENT, BY A UNANIMOUS VOTE OF THE MEMBERS PRESENT.

Motion by AMPARANO, second by DALE to meet in Closed Session.

ROLL CALL VOTE:

AYES: AMPARANO, DALE, EUGENIO, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: TUCKER MOTION CARRIED 4-0

C. CITY COUNCIL CONVENED TO CLOSED SESSION AT 5:38 P.M.

COUNCIL MEMBER TUCKER JOINED THE MEETING VIA TELECONFERENCE AT 5:40 PM.

C-1. SUBJECT: THREAT TO PUBLIC SERVICES OR FACILITIES (54957)

Consultation with City Attorney and Imperial Police Department, Chief of Police and staff.

D. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION.

City Attorney announced no action was taken.

E. EMERGENCY MEETING ADJOURNED AT 6:43 PM.

**MINUTES FOR A
SPECIAL MEETING OF THE CITY COUNCIL
CITY OF IMPERIAL
MARCH 24, 2020**

A. CITY COUNCIL CONVENES TO OPEN SESSION:

COUNCIL MEMBERS PRESENT: AMPARANO, DALE (IN AT 5:30 PM), EUGENIO, TUCKER, AND PECHTL

OTHER OFFICIALS PRESENT: CITY ATTORNEY MORITA, ASSISTANT CITY MANAGER BROWN, CITY CLERK JACKSON, POLICE CHIEF BARRA, AND SGT SHEFFIELD

MAYOR PECHTL called the meeting to order at 5:00 PM.

B. PUBLIC APPEARANCES:

None.

C. CITY COUNCIL CONVENED TO CLOSED SESSION

C-4. SUBJECT: THREAT TO PUBLIC SERVICES OR FACILITIES (54957)

Consultation with City Attorney and Imperial Police Department, Chief of Police and staff.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION.

No action was taken.

Special City Council meeting adjourned at 5:40 pm.

DATE SUBMITTED

April 8, 2020

SUBMITTED BY

L Gutierrez, ASD

DATE ACTION REQUIRED

April 15, 2020

COUNCIL ACTION (x)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION (x)
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: **DISCUSSION/ACTION – AUTHORIZATION TO SUBMIT APPLICATION TO IMPERIAL COUNTY TRANSPORTATION COMMISSION (ICTC FOR TRANSIT PROGRAM FUNDS).**

1. APPROVAL OF RES NO. 2020-~~13~~¹³, APPROVING THE APPLICATION FOR BICYCLE/PEDESTRIAN FUNDS.
2. APPROVAL OF RES NO. 2020-~~14~~¹⁴ APPROVING THE APPLICATION FOR BUS BENCHES/SHELTERS FUNDS.

DEPARTMENT INVOLVED: **CITY MANAGER / FINANCE DEPARTMENT**

BACKGROUND/SUMMARY:

The City of Imperial is eligible for annual funds through Imperial County Transportation Commission (ICTC) for bicycle/pedestrian and bus benches/shelter projects. In order to obtain the City's allocation of these funds, City is required to adopt resolutions making each request. Presented for Council review and consideration are the resolutions for the allocation of those funds.

Allocation of Funds for the City of Imperial:

Bicycle/Pedestrian \$21,940.00

Bus Benches/Shelters \$8,214.00

FISCAL IMPACT: None

F.O. INITIALS

STAFF RECOMMENDATION:

Council approval of the two resolutions as presented.

MANAGER'S RECOMMENDATION:

Approve

MANAGER'S INITIALS

OMM

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REJECTED ()

DEFERRED ()

REFERRED TO:

RESOLUTION NO. 2020-13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA APPROVING THE APPLICATION FOR BICYCLE AND/OR
PEDESTRIAN FUNDS UNDER THE TRANSPORTATION DEVELOPMENT ACT AND
APPROVING THE ADOPTING OF ITS BICYCLE AND/OR PEDESTRIAN PLAN**

WHEREAS, The Transportation Development Act provides that 2 percent of each county's total Local Transportation Fund be annually set aside and used to fund the development of bicycle and pedestrian facilities; and

WHEREAS, the City of Imperial has planned a bikeway system in conformance with specification of Caltrans' *Planning and Design Criteria for Bikeways in California*, and the Regional Transportation Plan; and

WHEREAS, the City of Imperial desires to construct this project within their city using the funds available under the Transportation Development Act.

NOW, THEREFORE, the City Council of the City of Imperial does resolve as follows:

1. To authorize the City Manager as the City's authorized signature and designated contact person;
2. To apply for funds available to the City of \$21,940. Allocated for Bikeways and Pedestrian facilities.

PASSED AND ADOPTED this 15th day of April 2020.

Darrell Pechtl, Mayor

ATTEST:

Debra Jackson, City Clerk

ICTC LTF TDA Article 3 Bikes and Pedestrian Funding FY 2019-20 Distribution

Agency	\$10 K Minimum	Population	Population % of Total	Population Minimum	Total Allocation
Brawley	\$10,000	27,163	14.95%	\$16,299	\$26,299
Calexico	\$10,000	42,098	23.17%	\$25,261	\$35,261
Calipatria	\$10,000	3,809	2.10%	\$2,286	\$12,286
El Centro	\$10,000	45,432	25.01%	\$27,261	\$37,261
Holtville	\$10,000	6,779	3.73%	\$4,068	\$14,068
Imperial	\$10,000	19,898	10.95%	\$11,940	\$21,940
Westmorland	\$10,000	2,461	1.35%	\$1,477	\$11,477
County	\$10,000	34,013	18.72%	\$20,409	\$30,408
	\$80,000	181,653	100.00%	\$109,000	\$189,000

RESOLUTION NO. 2020-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA APPROVING THE ARTICLE 8 APPLICATION FOR BUS
BENCHES/SHELTERS PURPOSES UNDER THE TRANSPORTATION
DEVELOPMENT ACT (SB 325), PUC 99400**

WHEREAS, The Transportation Development Act (SB 325) provides that each Transportation Planning Agency may allocate funds to specific transit purposes; and

WHEREAS, the City of Imperial has recognized the need for Bus Benches/Shelters.

NOW, THEREFORE, the City Council of the City of Imperial does resolve as follows:

1. To authorize the City Manager as the City's authorized signature and designated contact person;
2. To apply for funds available to the City of Imperial allocated for Bus Benches/Shelters in the amount of \$8,214.

PASSED AND ADOPTED this 15th day of April 2020.

Darrell Pechtl, Mayor

ATTEST:

Debra Jackson, City Clerk

FY 2019-20 TDA / LTF DISTRIBUTION TABLE

Department of Finance Population as of : May 2019

<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

1	2	3	4	5	6	7	8	9
	Agency	Population Total	2020 Allocation	Prior Year	Grand Total	Population % to Total	Art 8e benches shelters	Totals
A	Revenue		\$ 6,300,000	\$ -	\$ 6,300,000			
B	CWTS- IVT	\$	1,482,644	\$ -	\$ 1,482,644			
C	CWTS - Blue/Green	\$	368,881	\$ -	\$ 368,881			
D	CWTS - Gold	\$	141,584	\$ -	\$ 141,584			
E	ADA Para	\$	76,855	\$ -	\$ 76,855			
F	CWTS - Yuma	\$	158,263	\$ -	\$ 158,263			
G	IVT MedTrans	\$	22,995	\$ -	\$ 22,995			
H	CWTS - IVT Ride	\$	867,160	\$ -	\$ 867,160			
I	CWTS -IVT Ride EC	\$	662,341	\$ -	\$ 662,341			
J	Rio Vista Bus Stop & Shelter	\$	180,000	\$ -	\$ 180,000			
K	Transit Security - IVT	\$	40,000	\$ -	\$ 40,000			
L	EC Trmnl maint	\$	45,000	\$ -	\$ 45,000			
M	Bra Trmnl maint	\$	50,000	\$ -	\$ 50,000			
N	CA Trmnl maint	\$	25,000	\$ -	\$ 25,000			
O	EC Reg maint	\$	25,000	\$ -	\$ 25,000			
P	IMP Trmnl maint	\$	20,000	\$ -	\$ 20,000			
Q	Wntrhvn bus stp	\$	35,000	\$ -	\$ 35,000			
R	ICTC Transit Admin	\$	764,589	\$ -	\$ 764,589			
S	ICTC Transit Plan	\$	414,127	\$ -	\$ 414,127			
T	ICTC Transp Plan	\$	343,361	\$ -	\$ 343,361			
U	Bikes/Peds 3%	\$	189,000	\$ -	\$ 189,000			
V	Capital outlay - veh	\$	313,200	\$ -	\$ 313,200			
Y	Op reserve	\$	-	\$ -	\$ -			
X	Remainder Totals	\$	75,000	\$ -	\$ 75,000		Art 8e	Total
Y	Brawley	27,163	\$ 11,215	\$ -	\$ 11,215	15.0%	\$ 11,215	\$ 11,215
Z	Calexico	42,098	\$ 17,381	\$ -	\$ 17,381	23.2%	\$ 17,381	\$ 17,381
AA	Calipatria	3,809	\$ 1,573	\$ -	\$ 1,573	2.1%	\$ 1,573	\$ 1,573
BB	El Centro	45,432	\$ 18,758	\$ -	\$ 18,758	25.0%	\$ 18,758	\$ 18,758
CC	Holtville	6,779	\$ 2,799	\$ -	\$ 2,799	3.7%	\$ 2,799	\$ 2,799
DD	Imperial	19,898	\$ 8,215	\$ -	\$ 8,215	11.0%	\$ 8,214	\$ 8,214
EE	Westmorland	2,461	\$ 1,016	\$ -	\$ 1,016	1.4%	\$ 1,016	\$ 1,016
FF	County	34,013	\$ 14,043	\$ -	\$ 14,043	18.7%	\$ 14,043	\$ 14,043
GG	Totals	181,653	\$ 75,000	\$ -	\$ 75,000	100%	\$ 75,000	\$ 75,000

DATE SUBMITTED

04-09-2020

SUBMITTED BY

City Clerk

DATE ACTION REQUIRED

04-15-2020**Agenda Item No**D-4

CITY COUNCIL ACTION (X)

PUBLIC HEARING REQUIRED ()

RESOLUTION (X)

ORDINANCE 1ST READING ()ORDINANCE 2ND READING ()

CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
AGENDA ITEM****SUBJECT: DISCUSSION/ACTION: DESIGNATION OF AGENTS FOR OES PURPOSES.**

1. APPROVAL OF RESOLUTION NO. 2020-15, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, DESIGNATING AGENTS FOR OES PURPOSES.

DEPARTMENT INVOLVED: City Council

BACKGROUND/SUMMARY:

California Office of Emergency Services requires that the city file a resolution with them designating employees as agents to be authorized to act on the City's behalf to sign grant reports, funding requests, etc. regarding assistance for disasters/grants administered by Cal OES. This resolution will be good for three (3) years or sooner if there should be a change of agents before the expiration of the three years.

Staff is suggesting that the City Manager, Assistant City Manager, and Administrative Services Director be authorized to execute documents for OES purposes.

FISCAL IMPACT None

STAFF RECOMMENDATION: Approves the resolution designating agents regarding assistance grants administered by California Office of Emergency Services (OES).

MANAGER'S RECOMMENDATION:

approve

MANAGER'S INITIAL

OTM**MOTION:**

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REFERRED TO:

REJECTED ()

DEFERRED ()

RESOLUTION NO. 2020-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA, DESIGNATING AGENTS FOR OES PURPOSES**

BE IT RESOLVED BY THE City Council of the City of Imperial, that the City Manager or Assistant City Manager or Administrative Services Director is hereby authorized to execute for and in behalf of the City of Imperial, a public entity established under the laws of the State of California, this application and to file it with California Governor's Office of Emergency Service, for the purpose of obtaining certain federal assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

That the City of Imperial, a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the California Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

This is a universal resolution and is effective for all open and future Disasters/Grants up to three (3) years following the date of approval below.

PASSED AND APPROVED this 15th day of April, 2020.

Darrell Pechtl, Mayor

ATTEST:

Debra Jackson, City Clerk

DATE SUBMITTED

4/8/2020

SUBMITTED BY

COMMUNITY
DEVELOPMENT
DIRECTOR

DATE ACTION REQUIRED

4/15/2020

COUNCIL ACTION (X)

PUBLIC HEARING REQUIRED (X)

RESOLUTION (X)

ORDINANCE 1ST READING ()

ORDINANCE 2ND READING ()

CITY CLERK'S INITIALS 

**IMPERIAL CITY COUNCIL
AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: APPEAL OF PLANNING COMMISSION DECISION DENYING A TIME EXTENSION, AMENDMENTS TO CONDITIONS OF APPROVAL AND REVOCATION OF CUP 19-06 LOCATED ON 2475 CLARK RD

1. DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION FOR CONDITIONAL USE PERMIT 19-06

DEPARTMENT COMMUNITY DEVELOPMENT
INVOLVED:

BACKGROUND/SUMMARY:

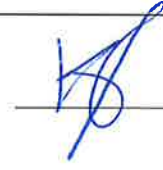
On March 11th, 2020 the Planning Commission conducted a Public Hearing in which the Commission denied the request for a time extension, denied request for amendments to conditions of approval and revoked Conditional Use Permit 19-06 located on 2475 Clark Road.

Justo Felix is appealing the decisions of the Planning Commission.

Please see attached staff report.

FISCAL IMPACT: N/A

ADMIN
SERVICES
SIGN
INITIALS



STAFF RECOMMENDATION: DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S DENIAL OF CONDITION USE PERMIT TIME EXTENSION, AMENDMENT OF CONDITIONS AND REVOCATION OF CUP

DEPT.
INITIALS



MANAGER'S RECOMMENDATION:

CITY
MANAGER'S
INITIALS



MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVE ()

D

REJECTED ()

DEFERRED ()

REFERRED

TO:

HISTORICAL BACKGROUND

T.O. Transport Company began developing a truck parking and storage facility at 2475 Clark Road located in an unincorporated area of the County of Imperial across the street from the Bratton Subdivision. The development project was done without a building permit and was subsequently red-tagged by the County of Imperial. The owner then started the compliance process. The County required that the project obtain water and sewer services from the City of Imperial and City Council approved the extension of services to the project site. Since the project is located outside of City limits, the owner had to also obtain approval from the Local Agency Formation Commission (LAFCo). LAFCo required that 2475 Clark Road and the adjacent parcels be annexed into the City of Imperial because of their proximity to the City boundaries.

Mr. Felix applied for a pre-zone change and annexation of his property on January 6, 2016. A public hearing was held by the Planning Commission on May 11, 2016. Upon hearing and considering all testimony and arguments, the Planning Commission recommended approval of the annexation, pre-zone change and negative declaration (Resolution No. PC2016-06).

During the regularly scheduled City Council Meeting on June 1, 2016, Council approved the Felix annexation of 27.01 acres of land. The Tax Sharing Annexation was approved by City Council on January 18, 2017 (Resolution No. 2017-01). Under the tax sharing agreement, 40% of the base year tax revenues would be transferred to the City of Imperial. Once the property was developed, the tax increment would be distributed evenly between the City of Imperial and the County of Imperial.

After the annexation approval by City Council, a home owner obtained eighty-seven (87) signatures within a radius of approximately 1,000 feet from the trucking business opposing the annexation due to safety issues.

Homeowners attended a LAFCo board meeting to express their disapproval of the Felix Annexation and submitted a letter opposing the annexation, as well as the signatures collected. LAFCo continued the annexation pending discussion with homeowners and action by City Council.

On April 15, 2017, staff met with three homeowners to discuss the possible repeal of the Justo Felix Annexation. During the meeting, homeowners stated their concern of the following: the safety of school children as there is a school bus that picks up and drops off children on Clark Road, the high rate of speed of truck drivers, hours of operation have been as early as 4:30 a.m., Clark Road not being a designated road for heavy vehicles, and trucks constantly blocking traffic.

During the May 3, 2017 council meeting, a homeowner from Paseo Del Sol expressed his disapproval of the Justo Felix annexation. His concerns were the same as addressed during the April 15th meeting with staff.

On May 10, 2017, Mr. Felix met with staff and said he had purchased other lots and was in the process of moving his trucking business. Mr. Felix desires to move forward with the annexation process.

During the May 17, 2017 council meeting, Mr. Felix brought his attorney Carlos Fox. Mr. Fox made some inaccurate statements with regard to Mr. Felix meeting all of the Conditions of Approval and that the easement was granted in exchange for waiver of water and sewer capacity fees once the location is eligible for those services. In the end, Council did not repeal their original approval of the annexation and Tax Sharing Agreement. Council is requesting LAFCo continue the hearing to allow Council to place additional Conditions of Approval to the project.

During the June 7, 2017 council meeting, Council did not take action due to Mr. Felix not receiving the updated Conditions of Approval; therefore the public hearing was continued to June 21, 2017.

During the June 21, 2017 council meeting, Council approved the annexation and created additional conditions of approval.

The Annexation was adopted on January 25, 2018 (Please see the attached Certificate of Completion). Mr. Felix agreed to conditions and waived appeal (see letter from attorney Carlos Fox).

Planning Commission granted a Conditional Use Permit to T.O. Transport Company on July 10, 2019 for the operation of a Trucking Facility with the same conditions of approval tied to the annexation.

On January 27, 2020, Justo Felix applied for a time extension for the Conditional Use Permit Annexation Conditions of Approval that had not been completed by the set amount of time granted by the City Council of Imperial.

All Conditions of Approval must be completed and met within (12) months following the approval of LAFCO (January 25, 2020).

As of January 25, 2020, Conditions of Approval were not met, therefore a Notice of Violation (Attached) was sent on January 27, 2020. The Notice of Violation gave Justo Felix 35 additional days to complete the improvements required.

Justo Felix applied for a time extension to finish the required improvements (Please see attached correspondence between Justo Felix, IID Representatives, and Contractors) and Amendments to Conditions of Approval to extend the hours of operation on January 27, 2020.

Residents have expressed their discontent with the hours of operation and have submitted video surveillance, photos, and emails.

On March 11th, 2020 the City of Imperial Planning Commission conducted a Public Hearing regarding the request of a time extension to complete the conditions of approval for the annexation that are tied to Conditional Use Permit (19_06) and requested amendments to the conditions of approval for the Conditional Use Permit to allow for changes to the hours of operation for the Trucking Facility on the weekends.

During the Planning Commission hearing, the commissioners received comments from the public regarding the operation.

The Planning Commission voted 5-0 to deny the request for the time extension, amendments to the conditions of approval for Conditional Use Permit (19_06) and revoke Conditional Use Permit (19_06) for the Trucking Facility Operation use.

Mr. Justo Felix is appealing the Planning Commission's decision to deny the request for a time extension to finish conditions of approval required by the annexation process that are tied to the Conditional Use Permit, appealing the decision to deny the amendments to the conditions of approval regarding hours of operation for the trucking facility operation, and is also appealing the revocation of Conditional Use Permit (19_06).



Staff Report

To: City of Imperial City Council

From: Othon Mora, Community Development Director

Date: April 8, 2020

Project: Time Extension request for Conditional Use Permit (19_06) and/or revocation of Conditional Use Permit (19_06)

Summary:

Project Location: West Side of Clark Road ("P" Street) North of Aten Road (27.01 acres)

Assessor's Parcel Numbers: 044-200-077, 044-200-079, and 044-200-081

Zoning: City of Imperial I-2 Rail Served Industrial

General Plan: Industrial

Environmental: Existing Certified Negative Declaration

CUP (19_06)





(Photo of the north side of 2475 Clark Road)



(Photo of south side of 2475 Clark Road)

Recommendation:

Staff recommends that the time extension and amendments to the conditions of approval be denied and to revoke the conditional use permit.

RESOLUTION 2020-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION DECISION FOR DENYING A TIME EXTENSION REQUEST AND AMENDMENTS TO CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (19-06) JUSTO FELIX TRUCKING FACILITY AND REVOCATION OF THE EXISTING CONDITIONAL USE PERMIT (CUP 19-06) LOCATED AT 2475 CLARK ROAD; IMPERIAL, CA 92251

WHEREAS, Justo Felix submitted an application for an appeal to the City Council, appealing the decision of the of the Planning Commission of denying a time extension request, amendments to conditions of approval for existing Conditional Use Permit (19-06) and revocation of the existing Conditional Use Permit (19-06); and

WHEREAS, a duly notified public hearing was held by the City Council on April 15, 2020; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the City Council considered all facts relating to the request for the appeal to the Planning Commission decision.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the City Council hereby determines that the project has an existing certified negative declaration per the California Environmental Quality Act; and
- E) That based on the evidence presented at the public hearing, the City Council hereby **DENIES** the appeal by Justo Felix regarding the time extension and amendments to the conditions of approval of the existing conditional use permit and **REVOKES** the Conditional Use Permit 19-06 for the Justo Felix Trucking Facility at 2475 Clark Road; Imperial, CA 92251.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this April 15, 2020.

Darrell Pechtl, Mayor

ATTEST:

City Clerk

J. CARLOS FOX

Attorney at Law



March 17, 2020

Imperial City Clerk
420 South Imperial Avenue
Imperial, California 92251

NOTICE OF APPEAL

RE: March 11, 2020 Actions of Imperial Planning Commission Relating to Conditional Use Permit 19-06 ("CUP")

Dear Sir or Madam:

We are in receipt of the March 16, 2020 Notice of Revocation of Conditional Use Permit 19-06 ("CUP").

Be accept this **NOTICE OF APPEAL** of said revocation.

The basis of the appeal includes, but is not limited to the following:

By said action:

- a. the Planning Commission has acted in excess of its authority;
- b. the action deprives the property owner with a property right without due process of law;
- c. the action was undertaken in a racially discriminatory manner, depriving the property owner of his constitutional right to equal protection;
- d. the action was undertaken as a result of personal animus and not in the best interests of the City;
- e. the action taken was arbitrary and capricious;
- f. the action fails to comply with the time and notice requirements relating to the revocation of a Conditional Use Permit such that the revocation is void.

carlos@jcfox.com

O: 619 721-3650 C: 619 851-8891

JCFox.COM | ABOGADOFOX.COM 333 H STREET SUITE 5000, CHULA VISTA, CA 91910

J. CARLOS FOX

Attorney at Law



The property owner reserves the right to amend and expand on the basis of the appeal.

Please provide this office and the property owner with the date and time for the hearing on this appeal.

LAW OFFICES OF J. CARLOS FOX

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes, located below the firm name.

J. Carlos Fox
Attorney at Law

carlos@jcfox.com

O: 619 721-3650 C: 619 851-8891

JCFOX.COM | ABOGADOFOX.COM 333 H STREET SUITE 5000, CHULA VISTA, CA 91910

820700 3/19/2020 10:09 AM Laguirre
CITY OF IMPERIAL
420 S IMPERIAL AVE, IMPERIAL, CA 92251
(760)355-1247

NEXT TURN-OFF DAY IS 04/03/20 AT 7 AM

00000000

CITY OF IMPERIAL

Credit Card 4050813 \$530.00

Total Tendered: \$530.00

Credited to DL: \$530.00

Change Back: \$0.00

Credited to DL:

ZONING/SUBDIVISION FEES \$530.00

Total: \$530.00

PLANNING COMMISSION APPEAL-FELIX

ONLINE PAYMENTS NOW AVAILABLE. VISIT US

AT WWW.CITYOFIMPERIAL.ORG

RESOLUTION PC2020-04A

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL
DENYING A TIME EXTENSION REQUEST AND AMENDMENTS TO CONDITIONS
OF APPROVAL FOR CONDITIONAL USE PERMIT (19-06) JUSTO FELIX
TRUCKING FACILITY AND REVOCATION OF THE EXISTING CONDITIONAL
USE PERMIT (CUP 19-06) LOCATED AT 2475 CLARK ROAD; IMPERIAL, CA 92251**

WHEREAS, Justo Felix submitted an application for a Time Extension Request and Amendments to conditions of approval for an existing Conditional Use Permit (CUP 19-06); and

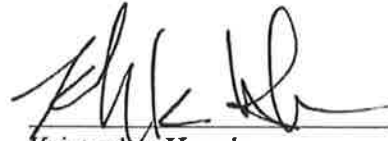
WHEREAS, a duly notified public hearing was held by the Planning Commission on March 11, 2020; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Time extension and amendments to the conditions of approval for the existing Conditional Use Permit (CUP 19-06).

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial as follows:

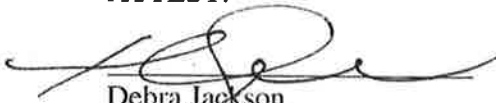
- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project has an existing certified negative declaration per the Environmental Quality Act; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **DENIES** the request for a time extension and amendments to the conditions of approval of the existing conditional use permit and **REVOKES** the existing Conditional Use Permit (CUP 19-06) for the Justo Felix Trucking Facility located at 2475 Clark Road; Imperial.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this March 11, 2020.



Kristopher Haugh
Planning Commission Chairman

ATTEST:



Debra Jackson
City Clerk/Planning Secretary

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

I, Debra Jackson, the undersigned, City Clerk/Secretary of the City of Imperial Planning Commission, DO HEREBY CERTIFY that the foregoing Resolution No. PC 2020-04A was duly and regularly adopted at a Regular meeting of the City of Imperial Planning Commission held on the 11th day of March 2020 by the following vote:

AYES: BURNWORTH, HAMMERNESS, HARVEY, AND HAUGH
NAYES: NONE
ABSTAIN: NONE
ABSENT: GUILLEN

MOTION CARRIED 4-0



DEBRA JACKSON, CITY CLERK/SECRETARY
CITY OF IMPERIAL PLANNING COMMISSION

RESOLUTION PC2019-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A CONDITIONAL USE PERMIT TO CONDITIONALLY ALLOW FOR A TRUCKING FACILITY IN AN I-2 (RAIL SERVED INDUSTRIAL) ZONE, LOCATED AT 2457 CLARK ROAD; IMPERIAL, CA 92251

WHEREAS, Justo Felix submitted an application for a Conditional Use Permit; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on July 24, 2019; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Conditional Use Permit.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is Categorically Exempt under Section 15303 of the California Environmental Quality Act; and
- E) That the "Trucking Facility" is consistent with those uses allowed in the I-2 Rail Served Industrial Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby conditionally **APPROVES** the "Trucking Facility" at 2475 Clark Road, via the granting approval of a Conditional Use Permit and Conditions of Approval outlined in EXHIBIT A.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this July 24, 2019.



Geoff Holbrook
Planning Commission Vice Chairman

ATTEST:



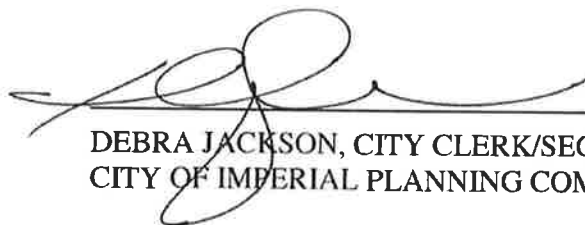
Debra Jackson
City Clerk/Planning Secretary

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

I, Debra Jackson, the undersigned, City Clerk/Secretary of the City of Imperial Planning Commission, DO HEREBY CERTIFY that the foregoing Resolution No. PC 2019-13 was duly and regularly adopted at a Regular meeting of the City of Imperial Planning Commission held on the 24th day of July 2019, by the following vote:

AYES: GUILLEN, HAUGH, MCDADE, AND HOLBROOK
NAYES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 4-0



DEBRA JACKSON, CITY CLERK/SECRETARY
CITY OF IMPERIAL PLANNING COMMISSION

EXHIBIT A

RESOLUTION PC2019-13

CONDITIONS OF APPROVAL

For

Conditional Use Permit: CUP (19-06)

**Justo Felix
Trucking Facility Operations
2475 Clark Road; Imperial, CA 92251**

1. The Applicant shall dedicate a twenty-foot (20') right-of-way along the frontage of the project site in conformance with the requirements of the General Plan Circulation Element to ensure that Clark Road / "P" Street is developed as a Major Arterial.
2. The Applicant shall widen the center turn lane to a minimum of 15' in width and extend the center turn lane to the north to provide sufficient merging distance for trucks.
3. Acceleration and deceleration lanes shall be provided along the frontage of the project site. These lanes shall be provided with a 10:1 taper to the existing roadway and shall be a minimum of 12' width.
4. The Applicant shall install sidewalk, and curb and gutter along the frontage of the project site.
5. A new 80' east-west roadway shall be created to provide emergency secondary access to all portions of the properties. This shall be accomplished through the granting of an irrevocable offer of 40' right-of-way from the northern portion on APN 044-200-079 and a 40' right-of-way from the southern portion on APN 044-200-077.
6. All gates shall be located a minimum of 100' from the edge of right-of-way to ensure sufficient truck cueing space away from roadways
7. Drought-tolerant landscaping shall be installed along the project frontage. At a minimum, landscaping shall include one 24-inch box tree for every 30' of street frontage and shrubs. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the issuance of a building permit. All landscaped areas shall be irrigated with automatic sprinkler systems.
8. All storage areas shall be screened from view of the public. No double-stacking of cargo containers is allowed.
9. Hours of operation shall be limited to between 7:00 a.m. and 8:30 p.m. Mondays through Fridays. No trucks shall enter or exit the project site outside of these hours. This shall include

arrivals and departures. No storage containers or materials inside the facility shall be moved outside of these hours.

10. A six-foot high, solid wall, stucco or wood frame shall be installed along the street frontage of the project site.

11. The Imperial County Fire Department shall conduct a ministerial review of the Tentative Tract Map and may provide additional requirements consistent with applicable standards. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), roadway access, storage limitations related to highly flammable materials, and the installation of fire sprinklers 60 days following the approval of LAFCo. The following Conditions of Approval shall also apply:

Fire Protection Water Supply

- a. Private Fire Service main and water supply shall meet the California Fire Code Chapter 5 Section 507.
- b. All plans shall be reviewed and approved by Imperial County Fire Department before construction of the private fire protection water supply is started.
- c. All construction of underground fire lines will be inspected by Imperial County Fire Department.
- d. All components of the will be reviewed and approved by Imperial County Fire Department before any construction of the private fire protection water supply is started.
- e. Firefighting Access to the property shall meet the requirements set forth in the 2013 California Fire Code, and all City of Imperial codes and ordinances.
- f. Firefighting Access shall meet all requirements of the 2013 California Fire Code Chapter 5 Sec. 503.
- g. Access Gates should meet all requirements of the 2013 California Fire Code Chapter 5 sec. 503.6.
- h. An approved KNOX Box/Lock will be required to be installed at all access points to the property and Secondary Access to the property shall be installed in accordance with the 2013 California Fire Code Chapter 5 Sec. 503.1.2 and local requirements, codes, and ordinances.
- i. An annual fire inspection will be conducted at the facility, in accordance with the California Fire Code 106.1 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

Hazardous Materials

- j. Developer shall comply with Chapter 50 of the California Fire Code for Hazardous Material and submit a hazardous material management plan and hazardous material inventory statement to Imperial County Fire Department and local CUPA.
- 12. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department. The Planning Department may require light reducing techniques such as the installation of fencing, mature landscaping, or directing of lighting toward the ground;
- 13. Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
- 14. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
- 15. The City Council shall have final approval of the Pre-Zone, Annexation and Environmental Review.
- 16. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the project. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
- 17. The Developer/Applicant shall pay all applicable impact and capacity fees.
- 18. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Subdivision Map shall record until such costs have been paid to the City.
- 19. All maps, plans, studies, cost estimates; designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to issuance of building permit.

20. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Final Subdivision Map.
21. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains in the project area if necessary and built according to City development standards.
22. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of waste. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in accordance with City development standards.
23. Prior to the start of any construction activity, a qualified biologist shall survey the site for any active owl burrows. Any burrows found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows will be destroyed to prevent the return of the owls to these burrows during the next mating season.
24. The project shall comply with ICAPCD's standard mitigation measures for construction combustion equipment and mandatory Rule VIII to ensure that adequate air quality is maintained.
25. Construction sites shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
26. A Hydrology Study shall be submitted to the City Engineer for review and approval during the design phase of this project. The Hydrology Study shall determine the need for a pump station and must adequately address drainage for all proposed parcels in compliance with the City's adopted standards.
27. The proposed project and design criteria must provide for the storage capacity of a 100-year storm. If the 100 year storm retention basin is unable to be drained within a 72-hour detention time, a Mosquito Abatement Plan shall also be required.
27. A Grading and Drainage Plan shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution.
28. The developer shall reduce potential impacts to the nearby noise-sensitive residential uses. During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile with properly operating and maintained mufflers,

consistent with the manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

29. Construction scheduling for the project area shall be limited to the hours of 7 a.m. and 8 p.m. Monday through Friday with the exception of legal holidays. The Building Department may issue a written "early work permit" if hot or inclement weather creates a need to start earlier than 7 a.m. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land or residential dwellings.

30. The conditional approval of the Pre-Zone and Annexation shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.

31. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.

32. All conditions of approval for this project shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.

33. All Conditions of Approval, with the exception of #11, must be completed and met within twelve (12) months following the approval of the Imperial Valley Local Agency Formation Commission (LAFCo).

34. The applicant shall post a performance bond to guarantee satisfactory completion of the project. Performance bond shall include the cost of improvements plans and the cost estimate approved by the city.

**EXHIBIT A
RESOLUTION #PC2019-12
CONDITIONS OF APPROVAL**

For

Conditional Use Permit: CUP (19-06)

**Justo Felix
Trucking Facility Operations
2475 Clark Road; Imperial, CA 92251**

1. The Applicant shall dedicate a twenty-foot (20') right-of-way along the frontage of the project site in conformance with the requirements of the General Plan Circulation Element to ensure that Clark Road / "P" Street is developed as a Major Arterial.
2. The Applicant shall widen the center turn lane to a minimum of 15' in width and extend the center turn lane to the north to provide sufficient merging distance for trucks.
3. Acceleration and deceleration lanes shall be provided along the frontage of the project site. These lanes shall be provided with a 10:1 taper to the existing roadway and shall be a minimum of 12' width.
4. The Applicant shall install sidewalk, and curb and gutter along the frontage of the project site.
5. A new 80' east-west roadway shall be created to provide emergency secondary access to all portions of the properties. This shall be accomplished through the granting of an irrevocable offer of 40' right-of-way from the northern portion on APN 044-200-079 and a 40' right-of-way from the southern portion on APN 044-200-077.
6. All gates shall be located a minimum of 100' from the edge of right-of-way to ensure sufficient truck cueing space away from roadways
7. Drought-tolerant landscaping shall be installed along the project frontage. At a minimum, landscaping shall include one 24-inch box tree for every 30' of street frontage and shrubs. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the issuance of a building permit. All landscaped areas shall be irrigated with automatic sprinkler systems.
8. All storage areas shall be screened from view of the public. No double-stacking of cargo containers is allowed.
9. Hours of operation shall be limited to between 7:00 a.m. and 8:30 p.m. Mondays through Fridays. No trucks shall enter or exit the project site outside of these hours. This shall include arrivals and departures. No storage containers or materials inside the facility shall be moved outside of these hours.

10. A six-foot high, solid wall, stucco or wood frame shall be installed along the street frontage of the project site.

11. The Imperial County Fire Department shall conduct a ministerial review of the Tentative Tract Map and may provide additional requirements consistent with applicable standards. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), roadway access, storage limitations related to highly flammable materials, and the installation of fire sprinklers 60 days following the approval of LAFCo. The following Conditions of Approval shall also apply:

Fire Protection Water Supply

- a. Private Fire Service main and water supply shall meet the California Fire Code Chapter 5 Section 507.
- b. All plans shall be reviewed and approved by Imperial County Fire Department before construction of the private fire protection water supply is started.
- c. All construction of underground fire lines will be inspected by Imperial County Fire Department.
- d. All components of the will be reviewed and approved by Imperial County Fire Department before any construction of the private fire protection water supply is started.
- e. Firefighting Access to the property shall meet the requirements set forth in the 2013 California Fire Code, and all City of Imperial codes and ordinances.
- f. Firefighting Access shall meet all requirements of the 2013 California Fire Code Chapter 5 Sec. 503.
- g. Access Gates should meet all requirements of the 2013 California Fire Code Chapter 5 sec. 503.6.
- h. An approved KNOX Box/Lock will be required to be installed at all access points to the property and Secondary Access to the property shall be installed in accordance with the 2013 California Fire Code Chapter 5 Sec. 503.1.2 and local requirements, codes, and ordinances.
- j. An annual fire inspection will be conducted at the facility, in accordance with the California Fire Code 106.1 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

Hazardous Materials

- k. Developer shall comply with Chapter 50 of the California Fire Code for Hazardous Material and submit a hazardous material management plan and hazardous material inventory statement to Imperial County Fire Department and local CUPA.

10. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department. The Planning Department may require light reducing techniques such as the installation of fencing, mature landscaping, or directing of lighting toward the ground;

11. Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.

12. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.

13. The City Council shall have final approval of the Pre-Zone, Annexation and Environmental Review.

14. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the project. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.

15. The Developer/Applicant shall pay all applicable impact and capacity fees.

16. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Subdivision Map shall record until such costs have been paid to the City.

17. All maps, plans, studies, cost estimates; designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to issuance of building permit.

18. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Final Subdivision Map.

19. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains in the project area if necessary and built according to City development standards.

20. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of waste. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in accordance with City development standards.

21. Prior to the start of any construction activity, a qualified biologist shall survey the site for any active owl burrows. Any burrows found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows will be destroyed to prevent the return of the owls to these burrows during the next mating season.

22. The project shall comply with ICAPCD's standard mitigation measures for construction combustion equipment and mandatory Rule VIII to ensure that adequate air quality is maintained.

23. Construction sites shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.

24. A Hydrology Study shall be submitted to the City Engineer for review and approval during the design phase of this project. The Hydrology Study shall determine the need for a pump station and must adequately address drainage for all proposed parcels in compliance with the City's adopted standards.

25. The proposed project and design criteria must provide for the storage capacity of a 100-year storm. If the 100 year storm retention basin is unable to be drained within a 72-hour detention time, a Mosquito Abatement Plan shall also be required.

26. A Grading and Drainage Plan shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution.

27. The developer shall reduce potential impacts to the nearby noise-sensitive residential uses. During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile with properly operating and maintained mufflers, consistent with the manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

28. Construction scheduling for the project area shall be limited to the hours of 7 a.m. and 8 p.m. Monday through Friday with the exception of legal holidays. The Building Department may issue a written "early work permit" if hot or inclement weather creates a need to start earlier than 7 a.m. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land or residential dwellings.

29. The conditional approval of the Pre-Zone and Annexation shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.

30. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.

31. All conditions of approval for this project shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.

32. All Conditions of Approval, with the exception of #11, must be completed and met within twelve (12) months following the approval of the Imperial Valley Local Agency Formation Commission (LAFCo).

33. The applicant shall post a performance bond to guarantee satisfactory completion of the project. Performance bond shall include the cost of improvements plans and the cost estimate approved by the city.

RECORDING REQUESTED BY:

Imperial County LAFCO
1122 State Street, Suite D
El Centro, CA 92243

AND WHEN RECORDED MAIL TO:

Imperial County LAFCO
1122 State Street, Suite D
El Centro, CA 92243

COPY

RECEIVED

JAN 24 2019

**IMPERIAL COUNTY
CLERK-RECORDER**

CERTIFICATE OF COMPLETION

1. Pursuant to Government Code Section 57200, this Certificate is issued by the Executive Officer of the Local Agency Formation Commission of Imperial County, California.

The short-form designation, as determined by LAFCO, is

Justo Felix - IM # 03-15

2. The name of each district or city involved in this change of organization or reorganization and the kind or type of change of organization ordered for each city or district are as follows:

CITY or DISTRICT

TYPE OF CHANGE OF ORGANIZATION

City of Imperial

Annexation

3. The above listed cities and/or districts are located within the following County (ies): Imperial County.
4. A description of the boundaries of the above-cited change of organization or reorganization is shown on the map and legal description, marked Exhibit A and by reference incorporated herein.
5. The territory involved in this change of organization or reorganization is uninhabited.
6. This change of organization or reorganization has been approved subject to the following terms and conditions: LAFCO Resolution #2018-03.
7. The Resolution ordering this change of organization or reorganization without election, or confirming an order for this change after confirmation by the voters, was adopted on the 25th day of January, 2018 by the LAFCO.

I hereby, certify that I have examined the above-cited resolution, including any terms and conditions, and the map and legal description and have found these documents to be in compliance with the LAFCO Resolution, adopted on January 25, 2018.

Dated: 1/23/2019


Jurg Heuberger, Executive Officer

RESOLUTION # 2018-03

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL MAKING A DETERMINATION AND APPROVING THE ANNEXATION OF JUSTO FELIX IM 3-15.

RESOLVED, by the Local Agency Formation Commission of the County of Imperial, State of California, that

WHEREAS, the Commission held a public hearing on January 25, 2018; and

WHEREAS, the Commission approved the annexation with a vote of 5-0; and

WHEREAS, the petitioner/applicant was advised the conditions as stated below are required to be met prior to recording the project.

NOW THEREFORE, BE IT DETERMINED, ORDERED AND RESOLVED AS FOLLOWS:

- 1: Certify the Mitigated Negative Declaration certified by Imperial in (June 1, 2016).
- 2: Make the finding that this project with the conditions imposed herein (or as modified) is in substantial compliance with the provisions of the Cortese/Knox/Hertzberg Reorganization Act of 2000 and the Imperial County LAFCO Policy, and Procedures.
- 3: Make the findings pursuant to Gov. Code Section 56375 that:
 - a) The project has been pre-zoned under the City of Imperial's current zoning Ordinance.
 - b) The project is prohibited per section 56375 (e) from being "re-zoned" for a period of two years following annexation.
 - c) The project is contiguous to the City, does not create an island, and is a logical extension of the City within the sphere of Influence, and or urban area plan.
 - d) The protest proceedings pursuant to Part 4 commencing with Section 57000 are hereby initiated, and are in compliance with the resolution of approval by the Commission.
- 4: **Approve the Annexation/subject to all of the following conditions:**
 - A. Authorize the Executive Officer to forward the Resolution of approval to the City of Imperial, as an information item and for compliance with all relevant conditions imposed herein. (Pursuant to the Cortese/Knox/Hertzberg Reorganization Act of 2000, enacted through AB 2838, a conducting authority process, i.e. the City being the Conducting Authority, no longer exists and the LAFCO has been delegated the Conducting Authority Process).

- B: Pursuant to Cortese-Knox-Hertzberg, authorize the Executive Officer to record the annexation with the County Recorder and the State Board of Equalization, ONLY upon compliance by the applicant and the City, with all applicable conditions, payment of requisite fees, and receipt of all documents necessary and required from the proponents, the City and/or other agencies.
- C: The Annexation boundary shall be as per map and legal description (**EXHIBIT A**) attached hereto. The annexation shall include all contiguous Roads; Road Right of Ways; Canals, Canal Right of Ways; and Public Easements. The final annexation map shall be prepared by a California Licensed Engineer licensed to practice in the Category of work to be performed. Said final map shall be reviewed by the Surveyor of the County of Imperial and the Public Works Director of the City of Imperial to assure that the map complies with the correct boundary and surveying requirements, as well as legal descriptions. Project shall not record until both County and City Public Works Directors have provided a letter stating compliance.
- D: The City of Imperial shall transmit to the Executive Officer certified copies of all approvals given or required to be given by the City of Imperial in approving the land use projects reported herein, including tax agreements unless that information has already been submitted.
- E: The City of Imperial shall within 90 days of the hearing by LAFCO, approving the annexation, submit to the LAFCO a full City Boundary Map depicting the new annexation as part of the overall City Boundary. This City Boundary map shall be signed by a licensed Engineer and shall be submitted as follows;
- a) A digital copy in AutoCAD 2009 or later format
 - b) A 24" x 36" or larger copy
 - c) A 18" x 24" copy.
- F: Upon receipt of the City Boundary Map required in condition E, the Executive Officer shall transmit said map to all affected public agencies, including but not limited to law enforcement, Assessor, etc.
- G: The applicant (petitioner) and/or the City as appropriate shall provide to LAFCO the following items in order to complete the processing of the annexation.
- 1) Eight (8) copies of the Annexation maps and legal descriptions prepared by the licensed engineer, and one "Mylar" copy meeting the size established by the County Recorder's office.
 - 2) Check made payable to the State Board of Equalization in the amount of \$1,200 as required by Statute.
 - 3) Check payable to LAFCO as determined by the Executive Officer to fully offset the cost of processing the application, including all costs incurred by County or City departments charged with the responsibility to review any portion of this project.

- 4) A letter from the Petitioners agreeing to the terms and conditions of the LAFCO and waiving all rights to an appeal, or reconsideration of the LAFCO decision, unless petitioner can show that a technical error occurred that would have or could have altered the decision of the LAFCO.
- H: The annexation shall not be recorded until all conditions have been completed and all costs paid in full.
- I: The City of Imperial shall not change any of the zone(s) within the boundary of the project annexation area for a period of two years from the date of recordation, subject to the Government Code Section in the Cortese/Knox/Hertzberg Reorganization Act of 2000. The City shall notify the LAFCO and the County of any proposed change of zone within the boundary area at least 90 days prior to any such Council Hearing, if such is requested prior to the termination of 24 months from recordation. If the City does change the zone or the envisioned land use analyzed within this land use process, in the future and it affects any tax split agreements with other agencies, then the City shall be required to make the appropriate adjustments, with County.
- J: The City shall not enter this property into any type of "redevelopment" program or such other program that would adversely change the Fiscal impacts or in any way affect any fiscal impacts or tax sharing agreements with other agencies. If the City, following annexation and after recordation, does change the project so as to change the Fiscal information/outcome upon which LAFCO and/or other agencies relied, the City shall be required to fund any deficit that may occur as a result of their change.
- K: All conditions of approval made by or given by the City as evidenced by the Resolutions or Ordinances adopted by the City shall be part of the Conditions of LAFCO in this annexation as if written herein.
- L: The City shall require all IID canals that are within or contiguous to the project, to be under grounded (or eliminated), except for the Canals identified by the IID as not feasible, such as the Central Main Canal. Applicant shall provide to LAFCO assurance acceptance to the Executive Officer which may include bonds or other certificates that said condition shall be complied with. If the IID determines that a canal shall not be undergrounded, it must do so in writing to LAFCO, stating the reasons for its decision and accepting full responsibility in the event a safety issue shown in the EIR as a possibility occurs.
- M: The annexation shall not record until the City provides to LAFCO a hard copy as well as a digital copy of the "mitigation" measures that will be required to be implemented for this project. These mitigation measures will be made a part of the Resolution of approval by LAFCO and to the extent applicable will be required to be implemented or bonded for as appropriate.
- N: The annexation shall not record until the City provides to LAFCO a certified statement from the City Engineer that the City has the capacity to provide sewer and water services to this project.
- O: The Applicant shall post a bond or other surety, in the amount equal to \$134,520.00 (as shown on EXHIBIT B), attached hereto, with an annual increase of 3% escalation for a

maximum of 5 years. The bond with escalation shall remain in place until the impacts to the Clark Rd. area are accomplished. The bond or surety shall be kept on file with LAFCO.

PASSED, ADOPTED AND APPROVED this **25th day of January 2018** by the Local Agency Formation Commission and the following roll call votes:

AYES: Froelich, Jackson, Kelley, Castillo, West

NAYS: None

ABSENT: None

Maria Nava-Froelich



Jurg Heuberger, Executive Officer

RECEIVED

OCT 13 2015

Imperial County
LOCAL AGENCY FORMATION COMMISSION

APPLICATION

PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

The undersigned hereby petition(s) the Local Agency Formation Commission of Imperial County for approval of a proposed change of organization, and stipulate(s) as follows:

OWNER INFORMATION	
NAME Justo felix	COMPANY T.O. Transport Corp
MAILING ADDRESS 253 W Horne Rd.	TELEPHONE NUMBER 760-600-4083
CITY, STATE, ZIP EL CENTRO CA. 92243	EMAIL ADDRESS ToTransportCorp@Gm.lcom
APPLICANT INFORMATION (IF DIFFERENT FROM THE OWNER)	
NAME Same	COMPANY
MAILING ADDRESS	TELEPHONE NUMBER
CITY, STATE, ZIP	EMAIL ADDRESS
PROJECT INFORMATION	
NAME OF PROPOSAL T.O. Transport YARD	DATE 10/12/15
PROJECT ADDRESS 2475 Clark Road	APN(S) 0000056405
CITY, STATE, ZIP Imperial CA. 92243	TOTAL LAND AREA (ACRES) 044,200,081
THIS PROPOSAL IS MADE PURSUANT TO CALIFORNIA GOVERNMENT CODE (COMMENCING WITH SECTION 56000, CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000).	
1	PROPOSED CHANGE(S) OF ORGANIZATION: ☒ ANNEXATION ☐ SPHERE OF INFLUENCE ☐ OTHER ☐ DETACHMENT ☐ CONSOLIDATION ☐ EXTENSION OF SERVICES ☐ INCORPORATION ☐ FORMATION OF _____
2	NAME OF THE CITY/SPECIAL DISTRICT BEING AFFECTED Imperial CA.
3	THE PROPOSED BOUNDARIES OF THE TERRITORY(IES) INCLUDED IN THE PROPOSAL ARE AS DESCRIBED IN THE EXHIBIT(S) ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN. ☒ YES, BOUNDARY EXHIBITS ARE ATTACHED

PAGE 1 OF 6

4	PLEASE LIST ANY OTHER DOCUMENTS BEING SUBMITTED WITH THE APPLICATION (EXCEPT THOSE ALREADY REQUIRED BY LAFCO). <u>map.</u>
5	THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE: ☒ UNINHABITED ☐ INHABITED (12 OR MORE REGISTERED VOTERS)
6	CURRENTLY, THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE: ☒ DEVELOPED ☐ UNDEVELOPED
7	IS THIS PROPOSAL CONSISTENT WITH THE SPHERE OF INFLUENCE OF THE AFFECTED CITY AND/OR DISTRICT? ☒ YES ☐ NO
8	PLEASE DESCRIBE IN DETAIL, THE REASONS FOR THE PROPOSED CHANGE OF ORGANIZATION (ANNEXATION, DETACHMENT, ETC.). USE ATTACHED SHEET IF NECESSARY. <u>City of Imperial eaziers for permits & to develop new grounds.</u>
9	THE PROPOSED CHANGE OF ORGANIZATION IS REQUESTED, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS: <u>N/A</u>
10	WOULD THIS PROPOSAL CREATE AN ISLAND OF UNINCORPORATED TERRITORY? ☒ YES ☐ NO IF YES, PLEASE EXPLAIN.
11	IS THERE A GOOD LIKELIHOOD OF A SIGNIFICANT INCREASE IN POPULATION IN THE SUBJECT AREA WITHIN THE NEXT TEN YEARS? IN UNINCORPORATED AREAS? ☐ YES ☒ NO IN INCORPORATED AREAS? ☒ YES ☐ NO ESTIMATED ADDITIONAL POPULATION: <u>0</u>
12	WHAT IS THE EXISTING ZONING? <u>Industrial</u> WHAT IS THE PROPOSED ZONING? <u>same.</u>
13	HAS OR IS THE AREA BEEN/BEING PRE-ZONED? ☐ YES ☒ NO WHAT IS THE PRE-ZONING CLASSIFICATION? <u>n/a</u> WHAT DATE WAS THIS PRE-ZONED? <u>n/a.</u>

14	WHAT IS THE PLANNED GENERAL PLAN DESIGNATION OF THE AREA BY THE AFFECTED CITY? <u>INDUSTRIAL</u>	
15	DESCRIBE ANY SPECIAL LAND USE CONCERNS EXPRESSED IN THE ABOVE PLANS. <u>N/A</u>	
16	SPECIFY ANY AND ALL EXISTING LAND USES: <u>INDUSTRIAL</u> WHAT ARE THE PROPOSED LAND USES? <u>truck yard</u> DESCRIBE YOUR PROJECT IN DETAIL: _____ _____ _____	
17	DOES THE APPLICATION CONTAIN 100% WRITTEN CONSENT OF EACH PROPERTY OWNER IN THE SUBJECT TERRITORY?	☒ YES ☐ NO
18	WILL THE ANNEXED TERRITORY BE LIABLE FOR ITS SHARE OF EXISTING BONDED INDEBTEDNESS?	☒ YES ☐ NO
19	WILL THE ANNEXED TERRITORY BE INCLUDED WITHIN ANY PARTICULAR TAX DIVISION OR ZONE OF THE ANNEXING TERRITORY? PLEASE SPECIFY. _____ _____	
20	IF THE PROPOSAL INCLUDES THE CONSOLIDATION OF SPECIAL DISTRICTS, THE PROPOSED NAME OF THE CONSOLIDATED DISTRICT IS: <u>N/A</u>	
21	IF AN INCORPORATION IS INCLUDED IN THE PROPOSAL: (A) THE NAME PROPOSED FOR THE NEW CITY IS: _____ (B) PROVISIONS ARE REQUESTED FOR APPOINTMENT OF: (I) CITY MANAGER ☐ YES ☐ NO (II) THE CITY CLERK AND CITY TREASURER ☐ YES ☐ NO	

22	IF THE FORMATION OF A NEW DISTRICT(S) IS INCLUDED IN THE PROPOSAL:	
	(A) THE PRINCIPAL ACT(S) UNDER WHICH SAID DISTRICT(S) IS/ARE PROPOSED TO BE FORMED IS/ARE: _____ _____	
	(B) THE PROPOSED NAME(S) OF THE NEW DISTRICT(S) IS/ARE: _____ _____	
	(C) THE BOUNDARIES OF THE PROPOSED NEW DISTRICT(S) ARE AS DESCRIBED IN EXHIBITS _____, INCORPORATED HEREIN.	
23	THE PERSON(S) SIGNING THIS PETITION HAVE SIGNED AS:	(CHECK ONLY ONE) ☐ REGISTERED VOTERS ☒ OWNERS OF LAND
24	AS REQUIRED, THE FOLLOWING ITEMS ARE ENCLOSED WITH THIS APPLICATION: ☒ DEPOSIT INDEMNIFICATION AGREEMENT ☒ LEGAL DESCRIPTION ANNEXATION MAP (10 COPIES)	


APPLICANT SIGNATURE

10-13-15
DATE

Please complete the names and addresses of additional persons (not including the owner/applicant previously listed at the beginning of the application) who are requesting to have furnished copies of the agenda and Executive Officer's Report and/or mailed notices of the hearing of this proposal. Please attach additional pages if necessary.

PERSON 1	REQUESTS:	☐ AGENDA COPIES ☐ HEARING PACKAGE HARD COPY	☐ PUBLIC NOTICE OF HEARING ☐ HEARING PACKAGE ON CD
NAME		COMPANY	
MAILING ADDRESS		TELEPHONE NUMBER	
CITY, STATE, ZIP		EMAIL ADDRESS	
PERSON 2	REQUESTS:	☐ AGENDA COPIES ☐ HEARING PACKAGE HARD COPY	☐ PUBLIC NOTICE OF HEARING ☐ HEARING PACKAGE ON CD
NAME		COMPANY	
MAILING ADDRESS		TELEPHONE NUMBER	
CITY, STATE, ZIP		EMAIL ADDRESS	

PAGE 4 OF 6

NOTICE:

*Prior to the effective date of any jurisdictional change (i.e. annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county and city included in such negotiation agrees, **BY RESOLUTION**, to accept the negotiated exchange of property tax revenues.*

NOTE:

The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion (COC) until such resolution is filed with LAFCO.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:

Chief Petitioners (not to exceed three):

Justo Felix
PRINT NAME

10/9/15
DATE

SIGNATURE

253 West Horne rd El Centro ca
RESIDENCE ADDRESS 92243

Gisel C Felix
PRINT NAME

10/9/15
DATE

SIGNATURE

253 West Horne rd El Centro ca
RESIDENCE ADDRESS 92243

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS



INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Executive Officer shall promptly notify the Commission of any claim, action or proceeding brought by an applicant challenging the Commission's action. The Commission, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The Commission shall have final determination on how to best defend the case and may defend it with in-house counsel, or by retaining outside counsel. In either case applicant shall be fully responsible for all costs incurred. Applicant may request to provide his or her own counsel to defend the case, however prior written approval of the Commission shall be obtained. Said independent counsel shall work with LAFCO counsel to provide a joint defense and shall include a complete defense of LAFCO to the satisfaction of the Commission.

EXECUTED IN Imperial CALIFORNIA ON October 13 2015
(CITY) (MONTH) (DAY) (YEAR)

APPLICANT

NAME (PRINT): Justo P. Felia

TITLE: owner

SIGNATURE: _____

MAILING ADDRESS:

253 west Horne rd
el centro ca 92243

REAL PARTY IN INTEREST / PROPERTY OWNER (IF DIFFERENT FROM APPLICANT)

NAME (PRINT): Justo P. Felia

TITLE: owner

SIGNATURE: _____

MAILING ADDRESS:

253 west Horne rd
el centro ca.

FOR LAFCO USE ONLY

RECEIVED BY: Paula Duf

DATE RECEIVED: 10-13-15

PROJECT NO. IM 3-15

J:\HDEB\IS\LAFCO\Forms\2014 Forms\Indemnification Agreement.doc Updated 06/30/2014

Douglas R. Newland, CPA
Auditor-Controller
douglasnewland@co.imperial.ca.us



County Administration Center
940 Main Street, Suite 108
El Centro, California 92243
Telephone: 442-265-1299
FAX: 442-265-1296

AUDITOR-CONTROLLER

September 26, 2016

Ralph Cordova Jr.
County Executive Officer
County of Imperial
Administration Center
El Centro, CA 92243

Subject: Annexation - LAFCO File No. IM 3-15
(Justo Felix)

RECEIVED
SEP 29 2016
Imperial County
Local Agency Formation Commission

Dear Mr. Cordova:

Pursuant to Section 99(B) of the Revenue and Taxation Code the estimated amount of property tax revenue generated within the territory which is subject to jurisdictional change for the current fiscal year are as follows:

County General Fund	\$1,452
County Library	\$73
County Fire Protection	\$508

The estimated proportion of property tax revenue are:

County General Fund	20%
County Library	1%
County Fire Protection	7%

The estimated total assessed valuation for the territory subject to jurisdictional change is \$726,213.

Sincerely,

Douglas R. Newland, CPA
Auditor-Controller

By: *Ivonne Ramirez*

Ivonne Ramirez
Special Accounting Manager

cc: LAFCO Executive Officer

TAX AND FISCAL IMPACT AGREEMENT FOR ANNEXATION IM 3-15

THIS AGREEMENT is made and entered into by and between the COUNTY OF IMPERIAL, a political subdivision of the State of California, hereinafter referred to as "County", and the CITY OF IMPERIAL, a municipal corporation, hereinafter referred to as "City."

WHEREAS, Section 99 of the Revenue and Taxation Code provides that in case of a jurisdictional change, the governmental bodies of all agencies whose service areas or responsibilities would be altered by such jurisdictional change must agree, by resolution, to accept the negotiated exchange of property tax revenues; and

WHEREAS, California Government Code Section 56668 requires certain factors be considered in review of any proposal before the Local Agency Formation Commission, hereinafter referred to as "LAFCO," (including the "effect of the proposed action and of alternative actions on adjacent areas, on mutual social and economic interests and on the local government structure of the county"); and

WHEREAS, California Government Code Section 56069 defines "Proposal" as a request or statement of intention may be by petition or by resolution of application of a legislative body proposing proceedings for the change of organization or reorganization described in the request or statement of intention; and

WHEREAS, California Government Code Section 56021 defines "Change of organization" to mean any of the following:(a) a city incorporation;(b) a district formation; (c) an annexation to, or detachment from, a city or district;(d) a disincorporation of a city; (e) a district dissolution; (f) a consolidation of cities or special districts;(g) a merger or establishment of a subsidiary district, and;

WHEREAS, LAFCO requires a written agreement between the affected governmental bodies prior to the approval of any annexation to offset any negative fiscal impacts, and;

1 WHEREAS, **ANNEXATION IM 3-15** involves the annexation of approximately
2 27.01 acres of land to the City of Imperial (Assessor's Parcel Numbers 044-200-077, 044-200-
3 079 and 044-200-081) for the purpose of Rail-Served Industrial ("I-2").
4 Assessor's Parcel Number 044-200-079 will be developed with twenty (20) truck parking stalls,
5 open-air storage areas for cargo containers, an office trailer, and retention basin; and

6 WHEREAS, In order to offset the "negative fiscal impacts" to County and City for
7 **ANNEXATION IM 3-15**, County and City are entering into this Agreement, and;

8
9 WHEREAS, Through this Agreement, City agrees to pay County a designated amount
10 to offset the negative impacts created through an annexation of territory to the City, and;

11 WHEREAS, The parties have negotiated this Tax and Fiscal Agreement for the exchange
12 of property tax revenues and to offset negative impacts from **ANNEXATION IM 3-15** to the
13 City.

14
15 WHEREAS, The current assessed value for the territory within **ANNEXATION**
16 **IM 3-15**, including improvements, is \$726,213.00.

17 NOW, THEREFORE, the County and City agree as follows:

18 1. DEFINITIONS.

19 a. "Base year revenues" means property tax revenues accruing to each agency
20 in the current fiscal year, being defined as the fiscal year in which the annexation is accepted by
21 the State Board of Equalization.

22
23 b. "Tax increment" means that the amount of property tax revenues in excess
24 of base year revenues accruing to each agency (by Tax Rate Area) and resulting from the increase
25 in assessed valuation from one year to the next.

26 c. "TRA" means tax rate area.

27 d. County and City are sometimes hereinafter collectively referred to as
28

1 "Parties".

2 2. APPORTIONMENT.

3 a. When a special district, including County Fire and Library Districts, gives
4 up its service responsibility in a territory, upon annexation of such territory to a City, the affected
5 special districts shall transfer to the City all of its base year revenues and tax increment attributable
6 to the annexed territory, effective in the fiscal year following the calendar year in which
7 annexation is completed.

8 b. For jurisdictional changes where the proposed area is agreed to by County
9 and City to be substantially developed, no transfer of the base year revenues is required. The
10 aggregate amount of the tax increment that would accrue to County, as a result of the aforesated
11 base year revenue apportionment, shall be distributed in the amount of fifty percent (50%) of the
12 increment to the City and fifty percent (50%) of the increment to the County.

14 c. For all other jurisdictional changes, the County shall transfer to the City
15 forty percent (40%) of the base year revenues. The aggregate amount of the tax increment that
16 would accrue to County and City, as a result of the aforesated base year revenue apportionment,
17 shall be distributed in the amount of fifty percent (50%) of the increment to the City and fifty
18 percent (50%) of the increment to the County.

20 3. APPLICATION.

21 The provisions of this Agreement shall apply to the apportionment of all secured
22 and unsecured property tax revenues, due to **ANNEXATION IM 3-15** to the City.

23 4. FISCAL IMPACT PAYMENT

24 a. To offset the negative impact to County of **ANNEXATION IM 3-15**,
25 City, as compensation for the discounted negative impacts for the first twenty (20) years of project
26 development, agrees to pay County certain impact fees pursuant to the *Schedule of Fiscal Impact*
27
28

1 *Fees Per Unit (residential) and per Square Foot (nonresidential) – Countywide* attached hereto as
2 **EXHIBIT “A”**. Said fee schedule is pursuant to the Impact Fee Study prepared for the County of
3 Imperial, California, by Tischler Bise dated August 17th, 2006. A copy of said Impact Fee Study
4 is available upon request.

5 b. Said payment of impact fees shall be made to County by City in a lump
6 sum upon annexation or recordation of the Final Map, or issuance of permits, as applicable.

7 c. As an alternative said payments shall be made to County based upon the
8 number of building permits issued by City on a quarterly basis including October 1, January 1,
9 April 1 and July 1 beginning the first quarter following the issuance of any building permit related
10 to **ANNEXATION IM 3-15**.

11 d. All payments shall be sent to County at the following address:

12
13 County of Imperial
14 County Executive Office
15 Attn: County Executive Office
16 940 Main Street, Suite 208
17 El Centro, CA 92243

18 5. **TERM OF AGREEMENT.**

19 This Agreement shall be in effect from the date of execution of this Agreement by
20 County and City. The terms and conditions for **ANNEXATION IM 3-15** shall remain in full
21 force and effect until each term or condition is completely and fully satisfied.

22 6. **ADVERSE PROPERTY TAX IMPACTS.**

23 Prior to the City including any portion of **ANNEXATION IM 3-15** in the next
24 twenty (20) years covered by this Agreement into any program which adversely fiscally impacts
25 County, City and County shall renegotiate and enter into a new and separate agreement which
26 addresses said negative fiscal impacts.
27
28

1 7. INTENT OF AGREEMENT.

2 a. By entering into this Agreement, the parties mutually assume the
3 continuation of a statutory scheme for the distribution of tax revenues that is compatible with the
4 provisions contained herein, and such assumption is a basic intent of this Agreement.

5 b. If any term or provision of this Agreement is held by a court of competent
6 jurisdiction to be void, invalid or otherwise unenforceable, the remaining terms and provisions
7 shall continue in full force and effect.

8 c. This Agreement is made and entered into in Imperial County, California.
9 This agreement shall be construed and enforced in accordance with the laws of the State of
10 California, except that the parties agree that any action brought by either party regarding this
11 Agreement shall be brought in a court of competent jurisdiction in Imperial County, or if
12 appropriate, in the Federal District Court serving Imperial County.
13

14 d. The parties hereto agree to act in good faith and deal fairly with the other
15 party in the performance of this Agreement.

16 e. Notices required hereunder shall be in writing and may be given either
17 personally or by registered or certified mail, postage prepaid, return receipt requested. If given
18 by registered or certified mail, such notice shall be addressed as indicated below and shall be
19 deemed given and received upon the earlier of actual receipt by the party to whom the notice
20 was sent or return of the requested receipt to the party giving notice. Notice personally given
21 shall be deemed given when delivered to the party to whom the notice is addressed. Any party
22 may upon ten (10) days written notice to the other party, change the address where notices are
23 to be sent.
24

25
26 NOTICES TO COUNTY

27 County of Imperial
28 County Executive Office

1 Attention: County Executive Officer
2 940 Main Street, Suite #208
3 El Centro, CA 92243

4 **WITH COPIES TO**

5 Imperial County LAFCO
6 Attention: Executive Officer
7 1122 State Street, Suite D
8 El Centro, CA 92243

9 **NOTICES TO CITY OF IMPERIAL**

10 City of Imperial
11 Attention: City Manager
12 420 South Imperial Avenue
13 Imperial California 92251

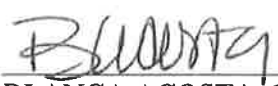
14 8. **EXECUTION OF AGREEMENT.**

- 15 a. The PARTIES herein agree that this Agreement may be executed in
16 counterparts.
17 b. The PARTIES herein each warrant and represent that they are authorized to
18 execute this Agreement and bind City or County to the terms and conditions of this Agreement.

19 IN WITNESS WHEREOF, the parties have executed this Agreement in
20 El Centro, California, on January 24th, 2017.

21 COUNTY OF IMPERIAL

22 
23 MICHAEL W. KELLEY, Chairman
24 Board of Supervisors

25 ATTEST: 
26 BLANCA ACOSTA, Clerk of the
27 Board of the County of Imperial

28 APPROVED AS TO FORM:

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 for:

KATHERINE TURNER
County Counsel

CITY OF IMPERIAL


JAMES TUCKER
Mayor

ATTEST: 
DEBRA JACKSON
Clerk of the City of Imperial

APPROVED AS TO FORM:

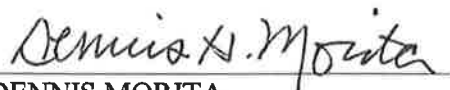

DENNIS MORITA
City Attorney

Exhibit “A”

COUNTY OF IMPERIAL
FISCAL IMPACT FEES
EFFECTIVE JANUARY 20, 2007

Exhibit A

	Total Impact Fee Per Unit	Per Fiscal Impact Studies	Surcharge for Developable Land	Total
Units		Per Housing Unit		
Residential				
Single Family	\$2,420	\$225	\$72.60	\$2,718
Multi Family	\$1,895	\$276	\$56.85	\$2,228
Mobile Home	\$1,624		\$48.72	\$1,673
	Countywide Impact Fee Per 1,000 Square Foot			
Non-Residential				
Com/Shop Ctr (50,000 or less sq ft)	\$671.00	\$80.00	\$20.00	\$771
Com/Shop Ctr (50,001-100,000 sq ft)	\$587.00	\$80.00	\$17.00	\$684
Com/Shop Ctr (100,001-200,000 sq ft)	\$513.00	\$80.00	\$15.00	\$608
Com/Shop Ctr over (200,000 sq ft)	\$449.00	\$80.00	\$13.00	\$542
Office/Inst (25,000 or less sq ft)	\$549.00	\$80.00	\$16.00	\$645
Office/Inst (25,000-50,000 sq ft)	\$502.00	\$80.00	\$15.00	\$597
Office/Inst (50,001-100,000 sq ft)	\$461.00	\$80.00	\$13.00	\$554
Medical-Dental Office	\$700.00	\$80.00	\$21.00	\$801
Hospital	\$470.00	\$80.00	\$14.00	\$564
Business Park	\$407.00	\$80.00	\$12.00	\$499
Light Industrial	\$276.00	\$80.00	\$8.00	\$364
Manufacturing	\$199.00	\$80.00	\$5.00	\$284
Warehousing	\$162.00	\$80.00	\$4.00	\$246
Elementary School	\$216.00	\$80.00	\$6.00	\$302
Other Non-Residential				
Lodging (per room)	\$91.00		\$2.00	\$93
Day Care (per student)	\$55.00		\$2.00	\$57
Nursing Home (per bed)	\$54.00		\$1.00	\$55

Prepared 11/14/2006

Based on TischlerBise Fiscal Impact Fee Study dated August 17, 2006 &
Proposed Fiscal Impact Fee Ordinance

ORDINANCE NO. 790

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, APPROVING A PRE-ZONING DESIGNATION OF I-2 (RAIL SERVED INDUSTRIAL) FOR THE FELIX ANNEXATION AREA

WHEREAS, the City Council of the City of Imperial, California considered all of the evidence, including, but not limited to, the City Planning Commission Resolution, staff report and attachments, and public testimony at a duly notified public hearing on June 1, 2016; and

WHEREAS, the City Council finds that the Pre-zoning is consistent with the goals, objectives and policies of the City of Imperial General Plan and will not conflict with the General Plan; and

WHEREAS, the City Council finds that the Pre-zoning will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

WHEREAS, the proposed action complies with the provisions of the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration Final Environmental Impact Report was adopted certified for the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES ORDAIN AS FOLLOWS:

Section 1. In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby approves the Pre-zoning of the Felix Annexation Area as shown on the attached map (Exhibit A), for the purpose of establishing applicable zoning districts in accordance with the land use policies of the Imperial General Plan, in preparation for submission of an application to the Imperial County Local Area Formation Commission seeking annexation of the project area into the City of Imperial.

Section 2. Effective Date: This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Imperial ordinance.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 15th day of June 2016.


Douglas A. Cox, Mayor

ATTEST:


Debra Jackson, City Clerk

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

I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 790 had its 1st reading on June 1, 2016 and was passed by the following roll call vote:

AYES: GRAN, SAMPSON, TUCKER, AND COX
NOES: NONE
ABSENT: DALE
ABSTAIN: NONE **MOTION CARRIED 4-0**

I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 790 had its 2nd reading on June 15, 2016 and was passed by the following roll call vote:

AYES: DALE, GRAN, SAMPSON, TUCKER, AND COX
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE **MOTION CARRIED 5-0**



DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA



CITY COUNCIL:
Doug Cox – Mayor
James Tucker – Mayor Pro Tem
Geoff Dale – Councilmember
Mark Gran – Councilmember
Betty Sampson – Councilmember

CITY CLERK
Debra Jackson

CITY TREASURER
Stacy Cox

CERTIFICATE
OF
CITY CLERK

I, Debra Jackson, City Clerk of the City of Imperial DO HEREBY CERTIFY THAT the foregoing is a true and correct copy of Ordinance 790 adopted by the City Council of the City of Imperial at their regular meeting of June 15, 2016.


Debra Jackson
City Clerk
City of Imperial

Dated: October 19, 2016

RESOLUTION NO. 2016-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL APPROVING THE FELIX ANNEXATION, PRE-ZONE AND NEGATIVE DECLARATION

WHEREAS, Justo Felix submitted an application for a Pre-Zone and Annexation, hereafter "project," for certain real property having assessor's parcel numbers 044-200-077, 044-200-079, and 044-200-081 and legally described as shown on Exhibit B; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on April 18, 2016 and continued to May 11, 2016; and

WHEREAS, a duly notified public hearing was also held by the City Council during its regular meeting on June 1, 2016; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the Environmental Study, analyzing the information submitted by staff and considering any written and oral comments received, the City Council considered all facts relating to the project.

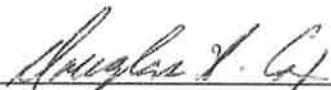
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby **APPROVES** the proposed project subject to the conditions of approval outlined in Exhibit A and based on the following findings:
 - 1. The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act and that the project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
 - 2. The initial environmental assessment shows that there is no

substantial evidence that the project may have a significant impact on the environment.

3. The proposed project is consistent with the intent of the Imperial General Plan and adopted policies.
4. The proposed project is consistent with the objectives of the City of Imperial Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 1st day of June 2016.


Douglas A. Cox, Mayor

ATTEST:


Debra Jackson, City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

for

FELIX ANNEXATION AND PRE-ZONE

1. All projects and construction activities shall be subject to final approval by the Planning Commission.
2. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department. The Planning Department may require light reducing techniques such as the installation of fencing, mature landscaping, or directing of lighting toward the ground;
3. Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
4. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
5. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Conditional Use Permit. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
6. The Developer/Applicant shall pay all applicable impact and capacity fees.
7. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Subdivision Map shall record until such costs have been paid to the City.
8. All maps, plans, studies, cost estimates, designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to submittal for approval to record the Subdivision Map.

9. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Final Subdivision Map.
10. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains in the project area if necessary and built according to City development standards.
11. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of waste. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in accordance with City development standards.
12. Prior to the start of any construction activity, a qualified biologist shall survey the site for any active owl burrows. Any burrows found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows will be destroyed to prevent the return of the owls to these burrows during the next mating season.
13. The project shall comply with ICAPCD's standard mitigation measures for construction combustion equipment and mandatory Rule VIII to ensure that adequate air quality is maintained.
14. Construction sites shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
15. A Hydrology Study shall be submitted to the City Engineer for review and approval during the design phase of this project. The Hydrology Study shall determine the need for a pump station and must adequately address drainage for all proposed parcels in compliance with the City's adopted standards.
16. The proposed project and design criteria must provide for the storage capacity of a 100-year storm. If the 100 year storm retention basin is unable to be drained within a 72-hour detention time, a Mosquito Abatement Plan shall also be required.
17. A Grading and Drainage Plan shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution.
18. The developer shall reduce potential impacts to the nearby noise-sensitive residential uses. During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile with properly operating and maintained mufflers, consistent with the manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
19. Construction scheduling for the project area shall be limited to the hours of 7 a.m. and 8 p.m. Monday through Friday with the exception of legal holidays. The Building Department may issue a written "early work permit" if hot or inclement weather creates

a need to start earlier than 7 a.m. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land or residential dwellings.

20. The conditional approval of the Pre-Zone and Annexation shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
21. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.
22. All conditions of approval for this project shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.

EXHIBIT B

**ANNEXATION
LEGAL DESCRIPTION**

THAT PORTION OF THE NORTH HALF OF THE WEST HALF OF TRACT 100, TOWNSHIP 15 SOUTH, RANGE 14 EAST, SAN BERNARDINO MERIDIAN, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING EAST OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTH HALF OF THE WEST HALF OF SAID TRACT 100, SAID POINT BEING THE NORTHWEST CORNER OF BRATTON SUBDIVISION UNIT NO. 1 ACCORDING TO MAP ON FILE IN BOOK 24, PAGE 1 OF FINAL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING (TPOB);

THENCE SOUTHERLY ALONG THE EAST LINE OF THE NORTH HALF OF THE WEST HALF OF TRACT 100, SOUTH $00^{\circ}09'47''$ EAST, A DISTANCE OF 1319.16 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE WEST HALF OF SAID TRACT 100;

THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH HALF OF THE WEST HALF OF TRACT 100, NORTH $89^{\circ}58'54''$ EAST, A DISTANCE OF 892.91 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY;

THENCE NORTHERLY ALONG THE SAID EAST LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, NORTH $00^{\circ}03'43''$ WEST, A DISTANCE OF 1319.56 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 100;

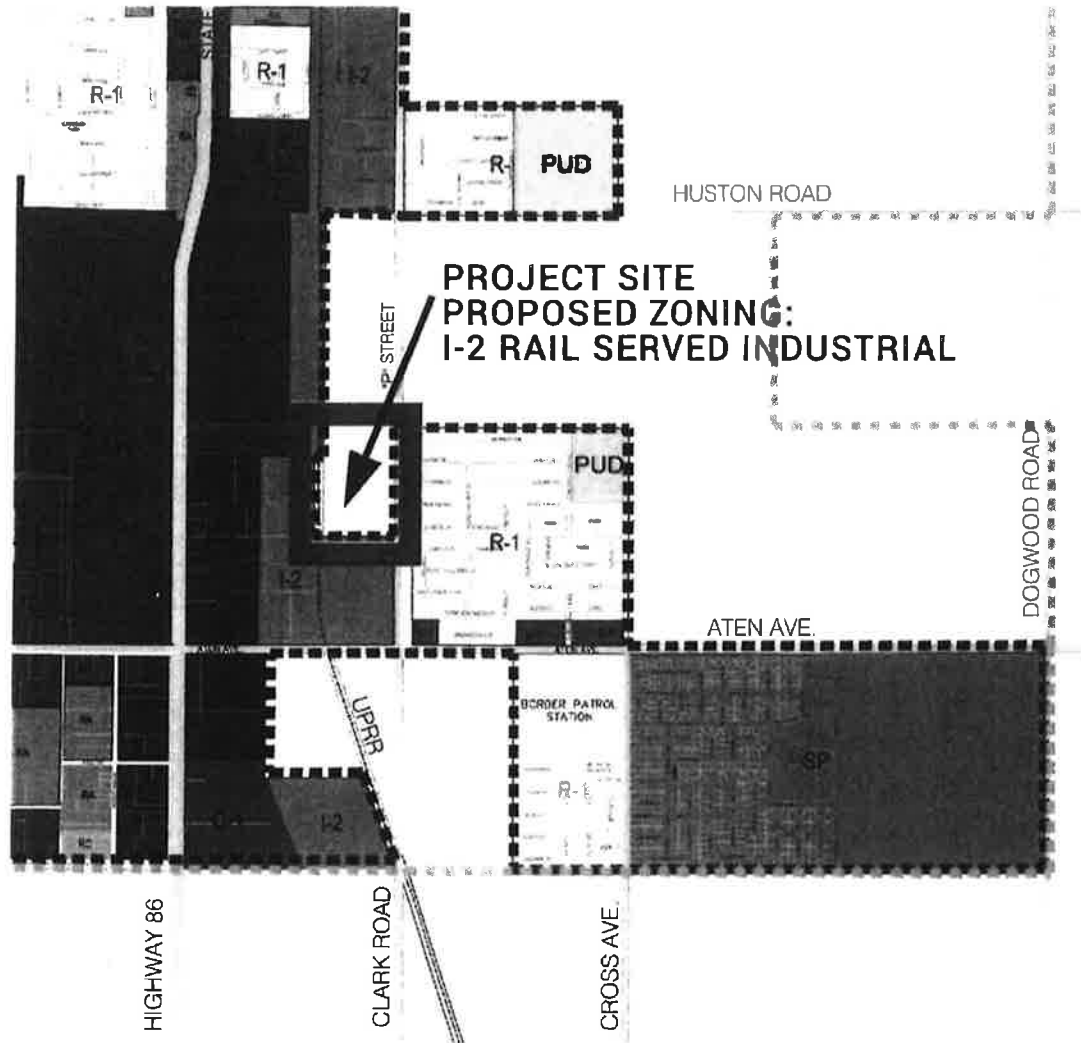
THENCE EASTERLY ALONG SAID NORTH LINE OF TRACT 100, SOUTH $89^{\circ}59'17''$ EAST, A DISTANCE OF 890.58 FEET TO THE TRUE POINT OF BEGINNING (TPOB).

SAID AREA CONTAINING 27.01 ACRES, MORE OR LESS

BASIS OF BEARING:

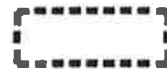
THE BASIS OF BEARING FOR THIS SURVEY IS THE BEARING OF $S 00^{\circ}09'47'' E$ WHICH IS THE BEARING OF THE EAST LINE OF THE WEST HALF OF TRACT 100, ACCORDING TO THE FINAL MAP FOR BRATTON SUBDIVISION UNIT NO. 1, AS RECORDED IN BOOK 24, PAGE 1 OF FINAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER.

EXHIBIT C
ZONING MAP



CITY OF IMPERIAL
ZONING MAP

CITY LIMITS



SPHERE OF INFLUENCE



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

I, the undersigned, City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing Resolution No. 2016-19 was duly and regularly adopted at a Regular meeting of the City Council of the City of Imperial held on the 1st day of June 2016, by the following vote:

AYES: GRAN, SAMPSON, TUCKER, AND COX
NAYES: NONE
ABSTAIN: NONE
ABSENT: DALE

MOTION CARRIED 4-0



DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA



CITY COUNCIL
Doug Cox – Mayor
James Tucker – Mayor Pro Tem
Geoff Dale – Councilmember
Mark Gran – Councilmember
Betty Sampson – Councilmember

CITY CLERK
Debra Jackson

CITY TREASURER
Stacy Cox

CERTIFICATE

OF

CITY CLERK

I, Debra Jackson, City Clerk of the City of Imperial DO HEREBY CERTIFY THAT the foregoing is a true and correct copy of Resolution 2016-19 adopted by the City Council of the City of Imperial at their regular meeting of June 1, 2016.

Debra Jackson
City Clerk
City of Imperial

Dated: October 19, 2016

RESOLUTION NO. 2017-01

**A RESOLUTION OF THE CITY OF IMPERIAL CITY COUNCIL APPROVING A TAX
AND FISCAL IMPACT AGREEMENT BETWEEN THE CITY OF IMPERIAL AND
THE COUNTY OF IMPERIAL FOR ANNEXATION IM 3-15**

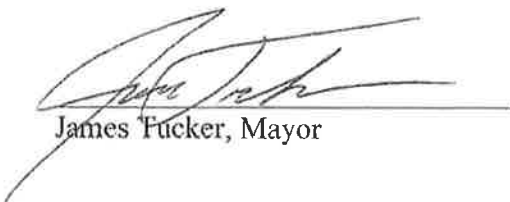
WHEREAS, the City Council of the City of Imperial approved the annexation of 27.01 acres of land (044-200-077, 044-200-079, and 044-200-081) in June 2016; and

WHEREAS, Section 99 of the Revenue and Taxation Code provides that governmental bodies of all agencies whose service areas or responsibilities would be altered by a jurisdictional change, such as the approved annexation, must agree, by resolution, to accept the negotiated exchange of property tax revenues.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial as follows:

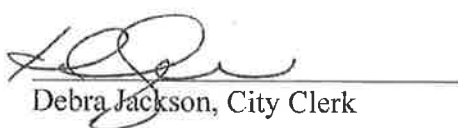
- A) That the foregoing recitations are true and correct; and
- B) That the City of Imperial approves and agrees to the terms outlined in the Tax and Fiscal Impact Agreement for Annexation IM 3-15 which is attached as Exhibit A of this Resolution.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 18th day of January 2017.



James Tucker, Mayor

ATTEST:



Debra Jackson, City Clerk

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

I, the undersigned, City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing Resolution No. 2017-01 was duly and regularly adopted at a Regular meeting of the City Council of the City of Imperial held on the 18th day of January 2071, by the following vote:

AYES: DALE, SAMPSON, AND TUCKER

NAYES: NONE

ABSTAIN: NONE

ABSENT: AMPARANO AND PECHTL

MOTION CARRIED 3-0



DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA

CERTIFICATE

OF

CITY CLERK

I, Debra Jackson, City Clerk of the City of Imperial DO HEREBY CERTIFY THAT the foregoing is a true and correct copy of Resolution 2017-01 adopted by the City Council of the City of Imperial at their regular meeting of January 18, 2017.



Debra Jackson
City Clerk
City of Imperial

Dated: January 19, 2017

RESOLUTION NO. 2017-42

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL
AMENDING THE CONDITIONS OF APPROVAL OUTLINED IN
RESOLUTION NO. 2016-06 FOR THE JUSTO FELIX ANNEXATION**

WHEREAS, the Planning Commission adopted Resolution No. 2016-06 approving the Felix Annexation subject to Conditions of Approval; and

WHEREAS, neighboring residents have expressed concerns to LAFCO and City Council with the project including but not limited to safety issues of school children in the vicinity of school bus stop on Clark Road, hours of operation of the business, speed travel of trucks entering and exiting the business and truck traffic; and

WHEREAS, based on these concerns, it is recommended to place additional Conditions of Approval on the project; and

WHEREAS, the City Council recommended additional Conditions of Approval therefore referring this project back to the Planning Commission; and

WHEREAS, a duly notified public hearing was conducted by the Planning Commission on April 18, 2016 and continued to May 11, 2016; and August 9, 2017; and

WHEREAS, a duly notified public hearing was also held by the City Council during its regular meeting on June 1, 2016; May 3, 2017; May 17, 2017; June 7, 2017; June 21, 2017 and September 20, 2017

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial as follows:

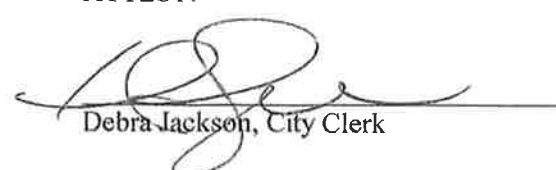
- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby **APPROVES** an amendment of the Conditions of Approval for Resolution No. 2016-06 as outlined in Exhibit A.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 20th day of September, 2017.



Mayor

ATTEST:



Debra Jackson, City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

For

FELIX ANNEXATION AND PRE-ZONE

1. The Applicant shall dedicate a twenty-foot (20') right-of-way along the frontage of the project site in conformance with the requirements of the General Plan Circulation Element to ensure that Clark Road / "P" Street is developed as a Major Arterial.
2. The Applicant shall widen the center turn lane to a minimum of 15' in width and extend the center turn lane to the north to provide sufficient merging distance for trucks.
3. Acceleration and deceleration lanes shall be provided along the frontage of the project site. These lanes shall be provided with a 10:1 taper to the existing roadway and shall be a minimum of 12' width.
4. The Applicant shall install sidewalk, and curb and gutter along the frontage of the project site.
5. A new 80' east-west roadway shall be created to provide emergency secondary access to all portions of the properties. This shall be accomplished through the granting of an irrevocable offer of 40' right-of-way from the northern portion on APN 044-200-079 and a 40' right-of-way from the southern portion on APN 044- 200-077.
6. All gates shall be located a minimum of 100' from the edge of right-of-way to ensure sufficient truck cueing space away from roadways
7. Drought-tolerant landscaping shall be installed along the project frontage. At a minimum, landscaping shall include one 24-inch box tree for every 30' of street frontage and shrubs. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the issuance of a building permit. All landscaped areas shall be irrigated with automatic sprinkler systems.
8. All storage areas shall be screened from view of the public. No double-stacking of cargo containers is allowed.
9. Hours of operation shall be limited to between 7:00 a.m. and 8:30 p.m. Mondays through Fridays. No trucks shall enter or exit the project site outside of these hours. This shall include arrivals and departures. No storage containers or materials inside the facility shall be moved outside of these hours.
10. A six-foot high, solid wall, stucco or wood frame shall be installed along the street frontage of the project site.
11. The Imperial County Fire Department shall conduct a ministerial review of the Tentative Tract Map and may provide additional requirements consistent with applicable standards. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), roadway access, storage limitations related to highly flammable materials, and the installation of fire sprinklers 60 days following the approval of the

Imperial Valley Local Agency Formation Commission (LAFCo), the following Conditions of Approval shall apply:

Fire Protection Water Supply

- a. Private Fire Service main and water supply shall meet the California Fire Code Chapter 5 Section 507.
- b. All plans shall be reviewed and approved by Imperial County Fire Department before construction of the private fire protection water supply is started.
- c. All construction of underground fire lines will be inspected by Imperial County Fire Department.
- d. All components will be reviewed and approved by Imperial County Fire Department before any construction of the private fire protection water supply is started.

Firefighting Access

- e. Access to the property shall meet the requirements set forth in the 2013 California Fire Code, and all City of Imperial codes and ordinances.
- f. Firefighting Access shall meet all requirements of the 2013 California Fire Code Chapter 5 Sec. 503.
- g. Access Gates should meet all requirements of the 2013 California Fire Code Chapter 5 sec. 503.6.
- h. An approved KNOX Box/Lock will be required to be installed at all access points to the property.
- i. Secondary Access to the property shall be installed in accordance with the 2013 California Fire Code Chapter 5 Sec. 503.1.2 and local requirements, codes, and ordinances.
- j. An annual fire inspection will be conducted at the facility, in accordance with the California Fire Code 106.1 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

Hazardous Materials

- k. Developer shall comply with Chapter 50 of the California Fire Code for Hazardous Material and submit a hazardous material management plan and hazardous material inventory statement to Imperial County Fire Department and local CUPA.
12. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department. The Planning Department may require light reducing techniques such as the installation of fencing, mature landscaping, or directing of lighting toward the ground;

13. Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
14. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
15. The City Council shall have final approval of the Pre Zone, Annexation and Environmental Review.
16. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the project. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
17. The Developer/Applicant shall pay all applicable impact and capacity fees.
18. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Subdivision Map shall record until such costs have been paid to the City.
19. All maps, plans, studies, cost estimates; designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to issuance of building permit.
20. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Final Subdivision Map.
21. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains in the project area if necessary and built according to City development standards.
22. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of waste. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in accordance with City development standards.
23. Prior to the start of any construction activity, a qualified biologist shall survey the site for any active owl burrows. Any burrows found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows will be destroyed to prevent the return of the owls to these burrows during the next mating season.

24. The project shall comply with ICAPCD's standard mitigation measures for construction combustion equipment and mandatory Rule VIII to ensure that adequate air quality is maintained.
25. Construction sites shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
26. A Hydrology Study shall be submitted to the City Engineer for review and approval during the design phase of this project. The Hydrology Study shall determine the need for a pump station and must adequately address drainage for all proposed parcels in compliance with the City's adopted standards.
27. The proposed project and design criteria must provide for the storage capacity of a 100-year storm. If the 100 year storm retention basin is unable to be drained within a 72-hour detention time, a Mosquito Abatement Plan shall also be required.
28. A Grading and Drainage Plan shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution.
29. The developer shall reduce potential impacts to the nearby noise- sensitive residential uses. During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile with properly operating and maintained mufflers, consistent with the manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
30. Construction scheduling for the project area shall be limited to the hours of 7 a.m. and 8 p.m. Monday through Friday with the exception of legal holidays. The Building Department may issue a written "early work permit" if hot or inclement weather creates a need to start earlier than 7 a.m. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land or residential dwellings.
31. The conditional approval of the Pre-Zone and Annexation shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
32. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.
33. All conditions of approval for this project shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.

34. All Conditions of Approval, with the exception of #11, must be completed and met within twelve (12) months following the approval of the Imperial Valley Local Agency Formation Commission (LAFCo).
35. The applicant shall post a performance bond to guarantee satisfactory completion of the project. Performance bond shall include the cost of improvements plans and the cost estimate approved by the city.

///

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

I, the undersigned City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing Resolution No. 2017-42 was duly and regularly adopted at a Regular meeting of the City Council of the City of Imperial held on the 20th day of September 2017, by the following vote:

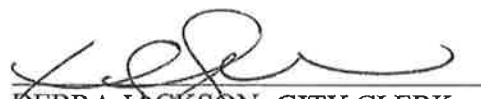
AYES: DALE, PECHTL, SAMPSON, AND TUCKER

NAYES: AMPARANO

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 4-1



DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA

CERTIFICATE

OF

CITY CLERK

I, Debra Jackson, City Clerk of the City of Imperial DO HEREBY CERTIFY THAT the foregoing is a true and correct copy of Resolution No. 2017-42 adopted by the City Council of the City of Imperial at their regular meeting of September 20, 2017.

A handwritten signature in dark ink, appearing to read 'Debra Jackson', is written over a horizontal line.

Debra Jackson
City Clerk
City of Imperial

Dated: October 23, 2017

J. CARLOS FOX

Attorney at Law



RECEIVED

JAN 22 2019

Imperial County
Local Agency Formation Commission

January 17, 2019

Mr. Jurg Heuberger, Executive Officer
Local Agency Formation Commission/Imperial County (LAFCO)
1122 State Street, Suite D
El Centro, CA 92243

RE: City of Imperial Annexation-IM 3-15 Justo Felix

Dear Mr. Heuberger:

On behalf of Mr. Felix, I wish to thank you for your assistance in this process. Please see Mr. Felix signed letter of acceptance as per your request and as per Resolution #2018-03.

LAW OFFICES OF J. CARLOS FOX

J. Carlos Fox
Attorney at Law

I, JUSTO FELIX, owner of property subject to Resolution #2018-03, and the applicant (petitioner) hereby affirm that I agree to the terms and conditions of the LAFCO and hereby waive all rights to an appeal, or reconsideration of the LAFCO decision unless I can show that a technical error occurred that would have or could have altered the decision of the LAFCO.

Justo Felix

January 17, 2019

carlos@jcfox.com

O: 619 721-3650 C: 619 851-8891

JCFOX.COM | ABOGADOFOX.COM 333 H STREET SUITE 5000, CHULA VISTA, CA 91910



January 27, 2020

Justo Felix
2475 Clark Rd.
Imperial, CA 92251

RE: Notice of Violation of Conditional Use Permit 19-06, 2475 Clark Road, Imperial, CA.

Dear Mr. Felix:

The City of Imperial Planning Commission ("Commission") granted a Conditional Use Permit ("CUP") to T.O. Transport Company on July 10, 2019 for the operation of a Trucking Facility. There were various conditions of approval associated with the granting of the CUP and the deadline for compliance with the conditions of approval was January 25, 2020 (Condition #32). You have failed to comply with the following conditions of approval:

1. You have not widened and extended the center turn lane on Clark Road (Condition #2).
2. You have not installed acceleration and deceleration lanes (Condition #3).
3. You have not installed sidewalk, and curb and gutter along the frontage of the project site (Condition #4).
4. You have not installed drought-tolerant landscaping along the project frontage (Condition #7).
5. You have not screened all storage areas from view of the public (Condition #8).
6. You have not limited your hours of operation to Monday through Friday. Specifically, you have been operating on weekends (Condition #9).



7. You have not installed a six-foot high, solid wall, stucco or wood frame fence along the street frontage of the project site (Condition #10).

You must obtain required permits and complete and comply with all of the above referenced items within 35 days of the date of this letter. Failure to comply will result in further action to suspend your CUP and referral to the planning commission to revoke your CUP.

If you have any question please contact me at your earliest convenience at 760.355.1152, 400 S Imperial Avenue, Suite 100, Imperial, California 92251.

City of Imperial

A handwritten signature in blue ink, appearing to read "Othon Mora", written over a horizontal line.

Othon Mora MCM, CBO
Community Development Director

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:33 AM
To: Othon Mora; Jesus Villegas
Subject: Fwd: INVOICE - ENGINEERING
Attachments: image001.png; ATT00001.htm; [Untitled].pdf; ATT00002.htm

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: "Benitez, Ernesto I" <eibenitez@IID.com>
Fecha: 5 de marzo de 2019, 1:38:14 p. m. PST
Asunto: INVOICE - ENGINEERING

Justo,

Attached to this email is the Design & Engineering Invoice for the relocation of existing power pole line at 2475 Clark Road in Imperial, CA.

Design & Engineering Invoice needs to be paid in full before IID can commence power pole line relocation design.

Thank you,



CUSTOMER OPERATIONS
P.O. BOX 937 IMPERIAL, CA 92251

JUSTO P FELIX
6129 VILLA MEDICI
BONSALL CA 92003

Service Description:

RELOCATE POLES TO ALLOW ST
IMPROVEMENTS

CSP Invoice 92762883

Date 03/05/2019
Customer no. 3357223
Contract no. 20033503
Sales Order no. 70828207
Service Notification no. 4027043
Project Location, 2475 CLARK RD
IMPERIAL CA 92251

This is to bill you the amount of \$1,000.00 for the following regulated charges:

Description	Amount
Initial Engineering Fee	1,000.00
Total	1,000.00

THIS INVOICE IS SUBJECT TO REVIEW IF PAYMENT IS NOT RECEIVED BY 09/01/2019

IMPERIAL IRRIGATION DISTRICT
MAILING ADDRESS: IID, ATTN: CUSTOMER PROJECT DEVELOPMENT, P.O. BOX 937, IMPERIAL, CA 92251
BUSINESS ADDRESS: 333 S. WATERMAN AVE., EL CENTRO, CA 92243, PHONE: (760) 482-3300

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:33 AM
To: Othon Mora; Jesus Villegas
Subject: Fwd: LINE RELOCATION CONSTRUCTION COST - PAYMENT METHODS
Attachments: image001.png; ATT00001.htm; image001.png; ATT00002.htm; image001.png; ATT00003.htm; PAYMENT METHODS.pdf; ATT00004.htm

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: "Benitez, Ernesto I" <eibenitez@IID.com>
Fecha: 19 de junio de 2019, 9:39:06 a. m. PDT
Asunto: FW: LINE RELOCATION CONSTRUCTION COST - PAYMENT METHODS

Aqui esta Justo



Payment may be made in our customer construction office, by mail or electronically.

Payment Methods

- Check
- Money Order
- Credit Card
- Electronic Funds Transfer (EFT)

EFT

Name: Imperial Irrigation District

Address: P.O. Box 927
Imperial, CA 92251

Tax ID #:

Bank Name: Union Bank

Account Name: Active Account

Routing (ABA):

Bank Account #:

Account Type: Checking

Service Notification #: *(Number located on the work estimate)*

Mailing Address:

Imperial Irrigation District

Attn: Customer Project Development Services

P.O. Box 937

Imperial, CA 92251

Business Address: 333 S. Waterman Ave., El Centro, CA 92243

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:34 AM
To: Othon Mora
Subject: Fwd: CUSTOMER METER POLE DETAIL
Attachments: CUSTOMER METER POLE DETAIL.PDF; ATT00001.htm

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

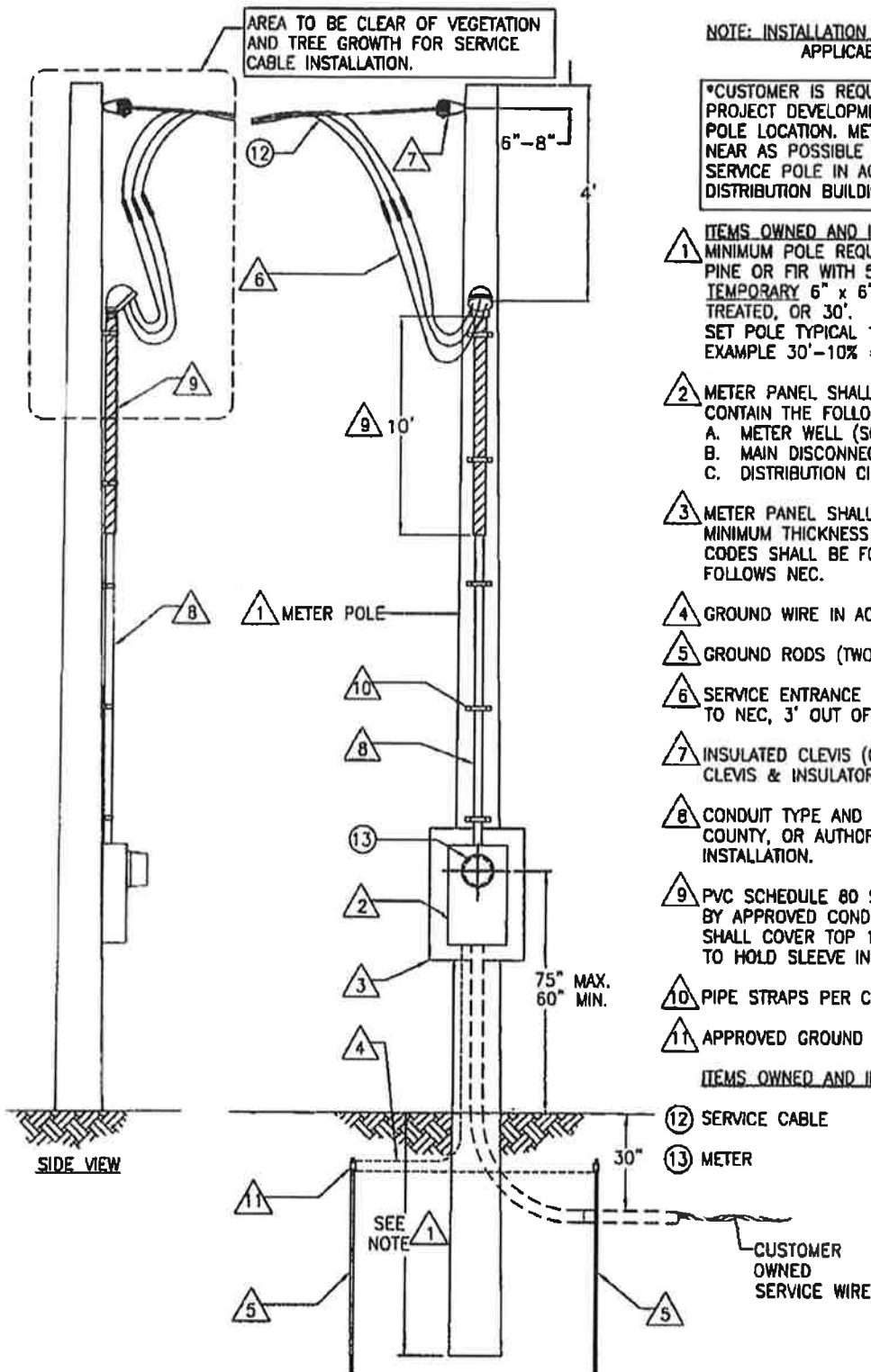
Inicio del mensaje reenviado:

De: "Benitez, Ernesto I" <eibenitez@IID.com>
Fecha: 17 de julio de 2019, 3:44:07 p. m. PDT
Asunto: CUSTOMER METER POLE DETAIL

Mauricio,

Attached find customer meter pole detail for your information and use.

Thank you,
Ernie Benitez



NOTE: INSTALLATION TO BE APPROVED AND TAGGED BY APPLICABLE INSPECTING AUTHORITY

*CUSTOMER IS REQUIRED TO CONTACT CUSTOMER PROJECT DEVELOPMENT SERVICES TO DISCUSS METER POLE LOCATION. METER POLE SHALL BE INSTALLED AS NEAR AS POSSIBLE TO OVERHEAD TRANSFORMER / SERVICE POLE IN ACCORDANCE TO THE IID 15kv DISTRIBUTION BUILDING CLEARANCES STANDARDS pg228.

- ITEMS OWNED AND INSTALLED BY THE CUSTOMER**
- 1 MINIMUM POLE REQUIREMENTS: PERMANENT 25' TREATED PINE OR FIR WITH 5" MIN. TOP DIAM. TEMPORARY 6" x 6" x 25' SAWED PINE OR FIR TIMBER, TREATED, OR 30'. SET POLE TYPICAL 10% + 2' DEEP. EXAMPLE 30'-10% = 3'+2' = 5'
 - 2 METER PANEL SHALL BE IN ACCORDANCE TO NEC AND CONTAIN THE FOLLOWING:
 - A. METER WELL (SOCKET)
 - B. MAIN DISCONNECT BREAKER
 - C. DISTRIBUTION CIRCUIT BREAKERS
 - 3 METER PANEL SHALL BE MOUNTED ON A BOARD WITH A MINIMUM THICKNESS OF 3/4". ALL RELEVANT LOCAL CODES SHALL BE FOLLOWED TO ENSURE INSTALLATION FOLLOWS NEC.
 - 4 GROUND WIRE IN ACCORDANCE WITH NEC.
 - 5 GROUND RODS (TWO REQUIRED PER NEC).
 - 6 SERVICE ENTRANCE CONDUCTORS TO BE ACCORDANCE TO NEC, 3' OUT OF WEATHERHEAD.
 - 7 INSULATED CLEVIS (CUSTOMER RESPONSIBILITY 600 VOLT CLEVIS & INSULATOR.)
 - 8 CONDUIT TYPE AND SIZE TO BE APPROVED BY THE CITY, COUNTY, OR AUTHORITY HAVING JURISDICTION PRIOR TO INSTALLATION.
 - 9 PVC SCHEDULE 80 SLEEVE SIZE IS TO BE DETERMINED BY APPROVED CONDUIT SIZE. SCHEDULE 80 SLEEVE SHALL COVER TOP 10' OF RISER AND UTILIZE STRAPS TO HOLD SLEEVE IN PLACE.
 - 10 PIPE STRAPS PER CONDUIT SIZE.
 - 11 APPROVED GROUND CLAMP AND FITTINGS.

ITEMS OWNED AND INSTALLED BY I.I.D.

- 12 SERVICE CABLE
- 13 METER

IMPERIAL IRRIGATION DISTRICT			
DRAWN BY	<i>JB</i>		CUSTOMER METER POLE SECONDARY RISER AND PANEL DETAIL FOR PERMANENT AND TEMPORARY POWER
REVIEWED	<i>MB</i>		
APPROVED	<i>MB</i>		
REVISION	REV 3		
DATE	3-2-17	180.4	

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:34 AM
To: Othon Mora; Jesus Villegas
Subject: Fwd: CUSTOMR METER POLE DETAIL
Attachments: image001.png; ATT00001.htm; 001.pdf; ATT00002.htm

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

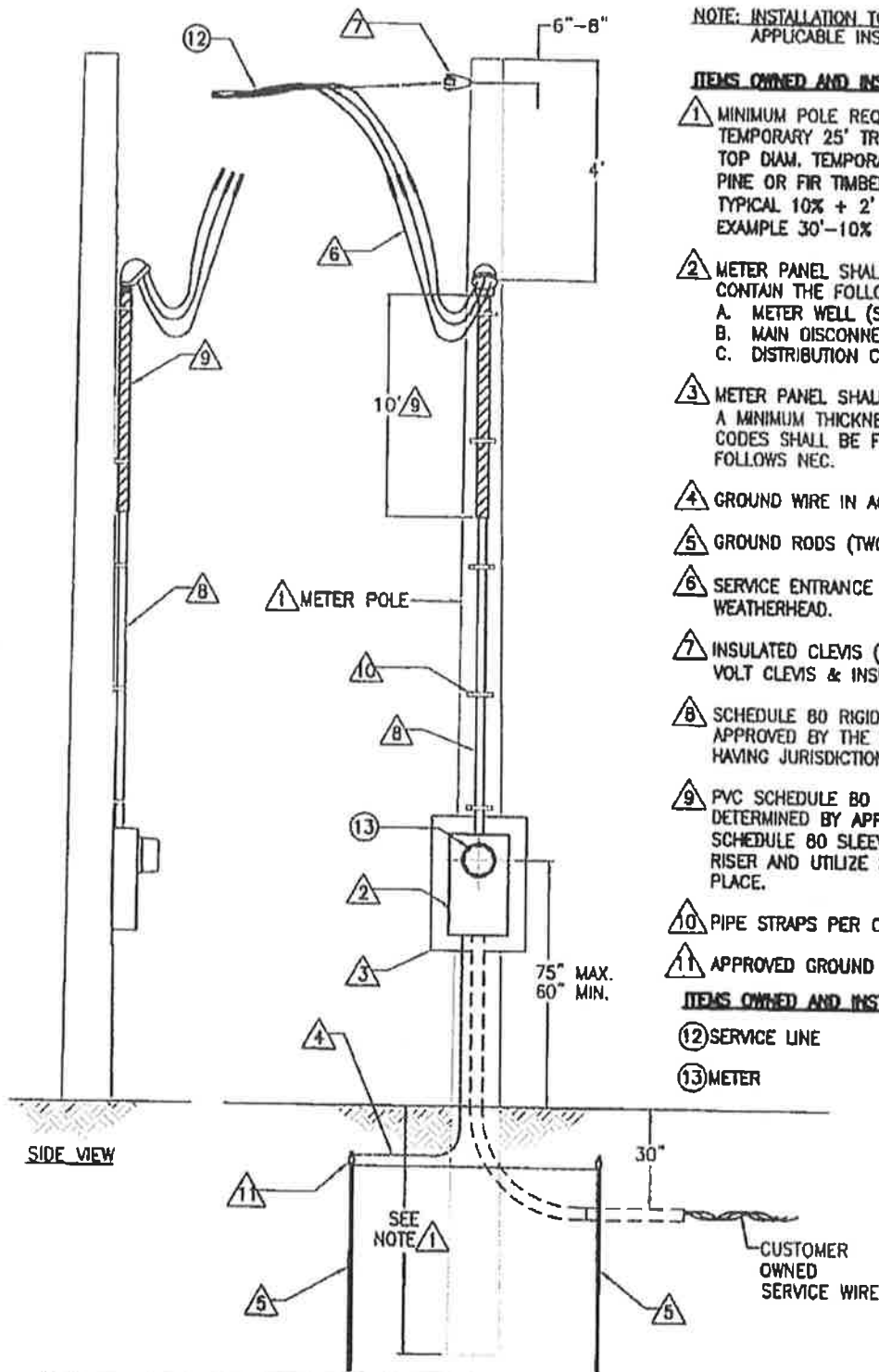
De: "Benitez, Ernesto I" <eibenitez@IID.com>
Fecha: 26 de agosto de 2019, 2:13:48 p. m. PDT
Asunto: CUSTOMR METER POLE DETAIL

Mauricio/Justo,

Para tu informacion, te envio adjunto una copia de IID standard para el detalle de Customer Meter Pole.

Pudieras imprimir una copia y darsela tu electricista?

Gracias,



Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:35 AM
To: Othon Mora; Jesus Villegas
Subject: Fwd: CUSTOMR METER POLE DETAIL
Attachments: image001.png; ATT00001.htm; image001.png; ATT00002.htm; 001.pdf; ATT00003.htm

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Enviado desde mi iPhone

Inicio del mensaje reenviado:

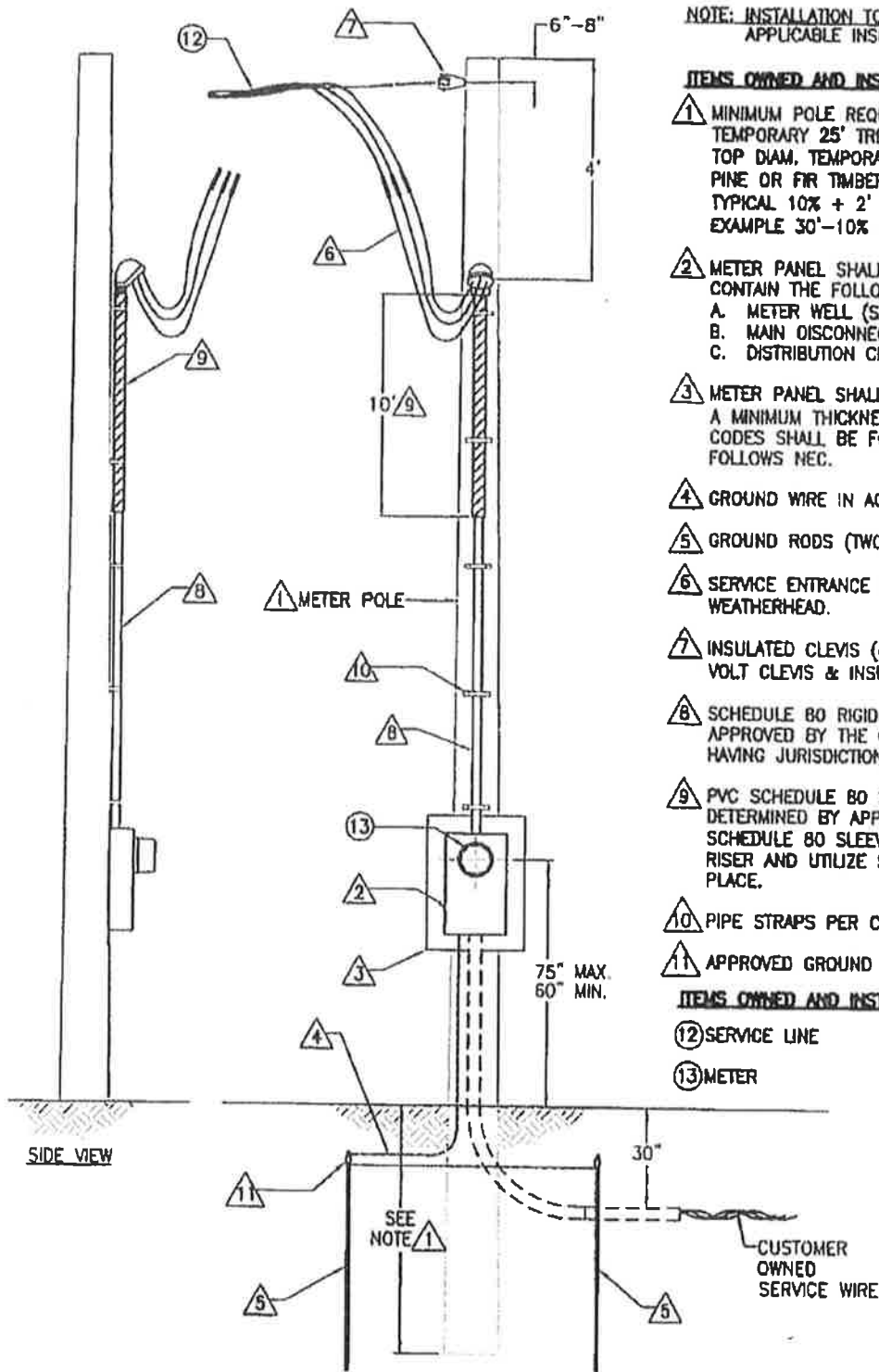
De: "Benitez, Ernesto I" <eibenitez@IID.com>
Fecha: 27 de agosto de 2019, 8:45:19 a. m. PDT
Asunto: FW: CUSTOMR METER POLE DETAIL

Mauricio,

Para tu informacion, te envío adjunto una copia de IID standard para el detalle de Customer Meter Pole.

Pudieras hacerme el favor de imprimir una copia y darsela a tu electricista ?

Gracias,



NOTE: INSTALLATION TO BE APPROVED AND TAGGED BY APPLICABLE INSPECTING AUTHORITY.

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- 10 PIPE STRAPS PER CONDUIT SIZE.
- 11 APPROVED GROUND CLAMP AND FITTINGS.

ITEMS OWNED AND INSTALLED BY I.I.D.

- 12 SERVICE LINE
- 13 METER

IMPERIAL IRRIGATION DISTRICT		
DRAWN BY	JK	 CUSTOMER METER POLE SECONDARY RISER AND PANEL DETAIL
REVIEWED	JK	
APPROVED	MS	
REVISION	REV 1	
DATE	12-02-13	180.4

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:35 AM
To: Othon Mora
Subject: Fwd: GUARANTEE DEPOSIT & SET NEW METER COST LETTER
Attachments: image001.png; ATT00001.htm; GUARANTEE DEPOSIT for ELECTRIC SERVICE.pdf; ATT00002.htm; SET NEW METER - COST.pdf; ATT00003.htm

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: "Benitez, Ernesto I" <eibenitez@IID.com>
Fecha: 3 de septiembre de 2019, 3:40:16 p. m. PDT
Asunto: GUARANTEE DEPOSIT & SET NEW METER COST LETTER

Mauricio/Justo,

Attached to this email find Guarantee Deposit and Set Meter Cost Letter for electric service to office trailer.

Thank you,



IID

A century of service.

www.iid.com

* September 3, 2019

Mr. Justo P. Felix
Star Rain LLC.
253 W. Horne Rd.
El Centro, Ca. 92243

Subject: Guarantee Deposit for Electric Service

Reference: Business Partner Number:

Contract Account Number:

CSP Number:

In order to establish commercial credit with the Imperial Irrigation District, it will be necessary to submit a guarantee deposit in the amount of **\$350.00** for electric service to be located at **2475 Clark Rd.**, in **Imperial**, California.

Your deposit may be in the form of cash (the Imperial Irrigation District does not pay interest on cash deposits), an Indemnity Bond, or an Irrevocable Letter of Credit from your bank (sample provided upon request). Commercial deposits are held until credit is established or until the account is closed, whichever occurs first. To establish credit, monthly billings must be paid in full, with no previous balance on any statement, for 36 consecutive months.

Deposits must be paid at the time of connect unless other arrangements are made.

If you have any questions, please feel free to contact our Customer Service Department at 1-800-303-7756. Thank you for giving us the opportunity to serve you.

Yours truly,

Sylvia R. Ochoa
Customer Service Proposal Representative

IMPERIAL IRRIGATION DISTRICT • C/O CUSTOMER OPERATIONS-IV
P O BOX 937 • IMPERIAL CA 92251



BUSINESS PARTNER # 3463483

STAR RAIN LLC
253 W HORNE RD
EL CENTRO CA 92243

DATE: September 03, 2019

SERVICE NOTIFICATION # 4027897

PROJECT LOCATION:
2475 CLARK RD
IMPERIAL CA 92251

AMOUNT DUE: \$325.00

PROJECT DESCRIPTION: SERVICE FOR OFFICE TRAILER

DESCRIPTION	COST
Category 0-A2 Set Meter	\$ 325.00
TOTAL AMOUNT DUE	\$325.00

THIS ESTIMATE IS SUBJECT TO REVIEW IF PAYMENT IS NOT RECEIVED BY 03/01/2020

IMPERIAL IRRIGATION DISTRICT

MAILING ADDRESS: IID, ATTN: CUSTOMER PROJECT DEVELOPMENT, P.O. BOX 937, IMPERIAL, CA 92251

BUSINESS ADDRESS: 333 S. WATERMAN AVE., EL CENTRO, CA 92243, PHONE: (760) 482-3300

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:35 AM
To: Othon Mora; Jesus Villegas
Subject: Fwd: STAR RAIN LLC-4027897-RECEIPTS FOR PAYMENTS

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: "Benitez, Ernesto I" <eibenitez@IID.com>
Fecha: 4 de septiembre de 2019, 5:00:46 p. m. PDT
Asunto: RE: STAR RAIN LLC-4027897-RECEIPTS FOR PAYMENTS

Ok Mauricio,

Manana temprano crearemos y mandaremos la notificacion a los troubleshooters para instalar el servicio electrico a la nueva oficina.

Recuerda que el departamento de servicio (troubleshooters) necesita por lo menos dos dias de anticipacion antes de poder conectar el nuevo servicio, entonces, estoy pensando que tal vez para el dia Martes, 10 de Septiembre 2019

Gracias,

Imperial Irrigation District
333 S. Waterman Ave., El Centro, CA 92243



Ernesto I. Benitez
Project Manager
Customer Project Development
Energy Department
Office No.: 760-482-3405
Cell Phone: 760-427-7381
Fax: 760-482-3401
Email: eibenitez@iid.com

From: Mauricio Jimenez <safety@starrainllc.com>
Sent: Wednesday, September 4, 2019 4:22 PM
To: Benitez, Ernesto I <eibenitez@IID.com>
Cc: Justo Felix <JFelix@starrainllc.com>
Subject: Fwd: STAR RAIN LLC-4027897-RECEIPTS FOR PAYMENTS

[CAUTION] This email originated from outside of the IID. Do not click on any links or open any attachments unless you trust the sender and know the content is safe.

Listo Ernie, ya quedo pagado. Cualquier otra cuestión quedo a la orden.

Saludos,

Mauricio Jimenez

Safety Manger

Star Rain LLC / TO Logistics INC

M. (956) 532-0569

safety@starrainllc.com

Begin forwarded message:

From: "Ochoa, Sylvia R" <SROchoa@IID.com>

Subject: FW: STAR RAIN LLC-4027897-RECEIPTS FOR PAYMENTS

Date: September 4, 2019 at 4:19:08 PM PDT

To: "safety@starrainllc.com" <safety@starrainllc.com>

Good afternoon Mauricio,

As per your request.

Thank you.

Regards,

Sylvia R. Ochoa

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:37 AM
To: Othon Mora
Subject: Fwd: Working on the proposal
Attachments: Star Rain - Proposal.doc; ATT00001.htm; Starrain Map.xlsx; ATT00002.htm

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: Terry Robertson II <deuce@radcoinc.net>
Fecha: 9 de septiembre de 2019, 4:01:39 p. m. PDT
Asunto: Re: Working on the proposal

Please see the attached proposal for the work discussed. Let me know if you have any questions.

Thank you

Terry "Deuce" Robertson II, VP/RMO



**615A US HWY 111
Brawley, CA 92227
Office: (760) 344-4004
Fax: (760) 344-4005
Cell: (760) 457-6087**

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On Mon, Sep 9, 2019 at 3:43 PM Mauricio Jimenez <safety@starrainllc.com> wrote:
Ok understood Terry. Please let me know if you need anything else.
Regards,

Mauricio Jimenez
Safety Manger
Star Rain LLC / TO Logistics INC
M. (956) 532-0569
safety@starrainllc.com

On Sep 9, 2019, at 2:09 PM, Terry Robertson II <deuce@radcoinc.net> wrote:

Hey Mauricio

I'm still working on the proposal. I'm creating a sketch with what we are including. The plans I have do not match completely what we discussed. Going to try to get it done today still, just added in an extra step to bid it per our discussions..

Thank you

Terry "Deuce" Robertson II, VP/RMO



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September 9, 2019

Proposal Submitted To: Star Rain, LLC
P Street
Imperial, CA 92251

Re: Sewer & Water Installation

PROPOSAL

SCOPE OF WORK:

Radco, Inc. will supply materials, equipment, and labor to complete the following:

SEWER

1. Traffic control for tie-in and installation of pipe along shoulder of P-Street
2. Saw cut & demo for crossing P-Street
3. Tie into existing manhole on Rosarito Street (drop manhole connection method)
4. Install 8" pipe across P-Street and include shoring
5. Install 8" pipe along shoulder of P-Street (North & South)
6. Install 8" pipe heading West along future road
7. Install 10' stub-out on section heading West
8. Install (3) sewer manholes
9. Install 4" lateral to the existing trailer (connection by others)
10. Trench patch asphalt on Rosarito Street and P-Street

Sewer Total - \$60,000.00

FIRE HYDRANTS

1. Tie-in to existing water main with (2) hot taps & (2) gate valves
2. Install 40' of 6" CL200 PVC (20' for each fire hydrant)
3. Install (2) 3-port fire hydrants and place next to existing fence (auto shut-off valves included)

Fire Total - \$30,000.00

DOMESTIC

1. Tie-in new 2" lateral to existing 10" water main on property
2. Install 215' of 2" Sch40 pvc to the existing trailer
3. Install 2" backflow preventer (includes cage)
4. Install (owner provided - comes with permit) 2" water meter

Domestic Total - \$15,500.00

TOTAL - \$105,500.00

EXCLUSIONS: Testing, permitting, fees, construction water, survey, engineering, import/export, SWPP, landscape, storm drain

PAYMENT SCHEDULE: Net Due in 30 Days

Respectfully Submitted By: Terry A. Robertson II, VP/RMO

This Proposal is valid for 30 days. Please contact Radco Inc. if time has elapsed. Any item not specifically stated on this document as included is excluded.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above this estimate. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. We carry Commercial General Liability Insurance through Tyler Insurance Agency @ 760-352-2611

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature: _____

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:37 AM
To: Othon Mora
Subject: Fwd: Working on the proposal

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: Terry Robertson II <deuce@radcoinc.net>
Fecha: 10 de septiembre de 2019, 7:23:28 a. m. PDT
Asunto: Re: Working on the proposal

Commercial hydrants have 3 port outlets. It's a James Jones 3765 model. I have 2 hydrants quoted as requested. Please cut the hydrant number in half if you only need 1 after all.

On Tue, Sep 10, 2019, 7:20 AM Mauricio Jimenez <safety@starrainllc.com> wrote:
Thank you Terry. I have a question: Why does it say on the quote 3 new port fire hydrants? We only need one.
Please advise,
Regards,
Mauricio Jimenez
Safety Manager
Star Rain LLC / TO Logistics INC
M. (956) 532-0569
safety@starrainllc.com

On Sep 9, 2019, at 4:01 PM, Terry Robertson II <deuce@radcoinc.net> wrote:

Please see the attached proposal for the work discussed. Let me know if you have any questions.

Thank you

Terry "Deuce" Robertson II, VP/RMO



**615A US HWY 111
Brawley, CA 92227
Office: (760) 344-4004
Fax: (760) 344-4005
Cell: (760) 457-6087**

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On Mon, Sep 9, 2019 at 3:43 PM Mauricio Jimenez <safety@starrainllc.com> wrote:

Ok understood Terry. Please let me know if you need anything else.

Regards,

Mauricio Jimenez

Safety Manger

Star Rain LLC / TO Logistics INC

M. (956) 532-0569

safety@starrainllc.com

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Hey Mauricio

I'm still working on the proposal. I'm creating a sketch with what we are including. The plans I have do not match completely what we discussed. Going to try to get it done today still, just added in an extra step to bid it per our discussions..

Thank you

Terry "Deuce" Robertson II, VP/RMO



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<Star Rain - Proposal.doc><Starrain Map.xlsx>

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:38 AM
To: Othon Mora
Subject: Fwd: Working on the proposal

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: Terry Robertson II <deuce@radcoinc.net>
Fecha: 10 de septiembre de 2019, 7:44:59 a. m. PDT
Asunto: Re: Working on the proposal

I'm sorry Mauricio, I just can't do it. That's over 5% you're asking for on a project that will be very difficult. I have to stand firm on my price.

Thank you

Terry "Deuce" Robertson II, VP/RMO



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On Tue, Sep 10, 2019 at 7:31 AM Mauricio Jimenez <safety@starrainllc.com> wrote:

Yes, we only need one Deuce. So, taking out one hydrant we are at \$90,500. Can you do \$85.5k so we can move forward with the whole thing? Please consider that this will be the 1st of many jobs.

Regards,

Mauricio Jimenez

Safety Manager

Star Rain LLC / TO Logistics INC

M. (956) 532-0569

safety@starrainllc.com

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Safety Manager

Star Rain LLC / TO Logistics INC

M. (956) 532-0569

safety@starrainllc.com

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Terry "Deuce" Robertson II, VP/RMO



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Mauricio Jimenez

Safety Manger

Star Rain LLC / TO Logistics INC

M. (956) 532-0569

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Thank you

Terry "Deuce" Robertson II, VP/RMO



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<Star Rain - Proposal.doc><Starrain Map.xlsx>

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:38 AM
To: Othon Mora
Subject: Fwd: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: Terry Robertson II <deuce@radcoinc.net>
Fecha: 10 de septiembre de 2019, 1:21:54 p. m. PDT
Asunto: Re: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15

Ok I'll take a look at that. Looks like a decent amount of extra footage. When we met, I thought the owner wanted a price by the fence and not all the way inside. I think he was going to see if the city would approve it?

Our computers are down right, because the IT guy is working on them. As soon as they're back up, I'll send it.

Thanks
Deuce

On Tue, Sep 10, 2019, 11:22 AM Mauricio Jimenez <safety@starrainllc.com> wrote:
Deuce, please be advised that as per Fire Department request, the hydrant goes inside, as shown in the attachment.
Regards

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Jesus Villegas <JVillegas@cityofimperial.org>
Date: 9/10/19 11:21 AM (GMT-08:00)
To: Mauricio Jimenez <safety@starrainllc.com>
Subject: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15

Per your request see attachment

Should you have any questions regarding this matter, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Jesus Villegas

Project Manager

CITY OF IMPERIAL

Community Development Department

400 South Imperial Avenue, Suite A

Imperial, CA 92251

Telephone: (760) 355-3840

Facsimile: (760) 355-4718

email: jvillegas@cityofimperial.org

website: <http://www.imperial.ca.gov/>



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Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:39 AM
To: Othon Mora
Subject: Fwd: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15
Attachments: Star Rain - Proposal.doc; ATT00001.htm

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Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: Terry Robertson II <deuce@radcoinc.net>
Fecha: 10 de septiembre de 2019, 1:39:31 p. m. PDT
Asunto: Re: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15

Please see the attached revised proposal. I had to add some money for the extra footage of pipe past the fence.

Thank you

Terry "Deuce" Robertson II, VP/RMO



**615A US HWY 111
Brawley, CA 92227
Office: (760) 344-4004
Fax: (760) 344-4005
Cell: (760) 457-6087**

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On Tue, Sep 10, 2019 at 11:22 AM Mauricio Jimenez <safety@starrainllc.com> wrote:

Deuce, please be advised that as per Fire Department request, the hydrant goes inside, as shown in the attachment.

Regards

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Jesus Villegas <JVillegas@cityofimperial.org>

Date: 9/10/19 11:21 AM (GMT-08:00)

To: Mauricio Jimenez <safety@starrainllc.com>

Subject: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15

Per your request see attachment

Should you have any questions regarding this matter, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Jesus Villegas

Project Manager

CITY OF IMPERIAL

Community Development Department

400 South Imperial Avenue, Suite A

Imperial, CA 92251

Telephone: (760) 355-3840

Facsimile: (760) 355-4718

· email: jvillegas@cityofimperial.org

website: <http://www.imperial.ca.gov/>



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September 9, 2019

Proposal Submitted To: **Star Rain, LLC**
P Street
Imperial, CA 92251

Re: **Sewer & Water Installation**

PROPOSAL

SCOPE OF WORK:

Radco, Inc. will supply materials, equipment, and labor to complete the following:

SEWER

1. **Traffic control for tie-in and installation of pipe along shoulder of P-Street**
2. **Saw cut & demo for crossing P-Street**
3. **Tie into existing manhole on Rosarito Street (drop manhole connection method)**
4. **Install 8" pipe across P-Street and include shoring**
5. **Install 8" pipe along shoulder of P-Street (North & South)**
6. **Install 8" pipe heading West along future road**
7. **Install 10' stub-out on section heading West**
8. **Install (3) sewer manholes**
9. **Install 4" lateral to the existing trailer (connection by others)**
10. **Trench patch asphalt on Rosarito Street and P-Street**

Sewer Total - \$60,000.00

FIRE HYDRANTS

1. **Tie-in to existing water main with (1) hot taps & (1) gate valves**
2. **Install 165' of 6" CL200 PVC**
3. **Install (1) 3-port fire hydrants (auto shut-off valves included)**

Fire Total - \$19,000.00

DOMESTIC

1. **Tie-in new 2" lateral to existing 10" water main on property**
2. **Install 215' of 2" Sch40 pvc to the existing trailer**
3. **Install 2" backflow preventer (includes cage)**
4. **Install (owner provided - comes with permit) 2" water meter**

Domestic Total - \$15,500.00

TOTAL - \$94,500.00

EXCLUSIONS: Testing, permitting, fees, construction water, survey, engineering, import/export, SWPP, landscape, storm drain

PAYMENT SCHEDULE: Net Due in 30 Days

Respectfully Submitted By: Terry A. Robertson II, VP/RMO

This Proposal is valid for 30 days. Please contact Radco Inc. if time has elapsed. Any item not specifically stated on this document as included is excluded.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above this estimate. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. We carry Commercial General Liability Insurance through Tyler Insurance Agency @ 760 352-2611.

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature: _____

Othon Mora

From: JUSTO FELIX <totransportcorp@gmail.com>
Sent: Friday, February 21, 2020 3:36 AM
To: Othon Mora
Subject: Fwd: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15

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Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: Terry Robertson II <deuce@radcoinc.net>
Fecha: 16 de septiembre de 2019, 3:31:49 p. m. PDT
Para: Carlos Beltran <cbeltran@dceinc.pro>
Cc: David Beltran <dbeltran@dceinc.pro>, Rick Kuhn <rick@radcoinc.net>, Mauricio Jimenez <safety@starrainllc.com>, Jesus Villegas <JVillegas@cityofimperial.org>, JUSTO FELIX <totransportcorp@gmail.com>
Asunto: Re: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15

Send a proposal to Justo and Mauricio please. Mauricio thought he was contracted with you already on it.

Thanks
Deuce

On Mon, Sep 16, 2019, 3:18 PM Carlos Beltran <cbeltran@dceinc.pro> wrote:

Hi Deuce,

We don't have a contract for construction staking. Do we submit a proposal to you or to Justo Felix?

Let us know.

Thanks,

Carlos Beltran, P.E.

Dynamic Consulting Engineers, Inc.

2415 Imperial Business Park Dr., Suite B

Imperial, CA 92251

Phone (760) 545-0162

Fax (760) 545-0163

From: Terry Robertson II [mailto:deuce@radcoinc.net]

Sent: Thursday, September 12, 2019 12:33 PM

To: Carlos Beltran

Cc: Rick Kuhn; Mauricio Jimenez; Jesus Villegas

Subject: Fwd: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15

Good afternoon Carlos

Hope all is well. We are planning on starting the sewer connection for Star Rain in Imperial on Monday the 30th of September. Is there any way you can schedule the staking the Thursday or Friday before? Also, can we have a really brief pre construction meeting with Jesus and you guys a week before so we're all on the same page? If so, please let me know what day works best for everyone.

Thank you

Terry "Deuce" Robertson II, VP/RMO



615A US HWY 111

Brawley, CA 92227

Office: (760) 344-4004

Fax: (760) 344-4005

Cell: (760) 457-6087

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----- Forwarded message -----

From: **Mauricio Jimenez** <safety@starrainllc.com>

Date: Wed, Sep 11, 2019 at 4:36 PM

Subject: Re: FH Location_ Justo Felix Annexation/Improv Plans_IM 3-15

To: Terry Robertson II <deuce@radcoinc.net>

Cc: Rick Kuhn <rick@radcoinc.net>, Justo Felix <JFelix@starrainllc.com>

Hi Terry,

Monday is fine. Indeed we have contracted with Carlos & David Beltran from Dynamics. Please contact them for anything you need regarding the survey and engineering.

Anything else you require please let me know.

Regards,

Mauricio Jimenez

Safety Manager

Star Rain LLC / TO Logistics INC

M. (956) 532-0569

safety@starrainllc.com

On Sep 11, 2019, at 2:21 PM, Terry Robertson II <deuce@radcoinc.net> wrote:

Hi Mauricio

I spoke to Rick about the schedule with the men. All 3 underground crews are busy until September 30th. We can free up one crew on that Monday to get started. I hope that works for you? Also, do you know if you contracted with Dynamic Consulting Engineers (Carlos and David Beltran) for the survey staking? We will need that work completed prior to us starting. If it is them, I'll get ahold of Carlos asap to discuss what we need and the manhole tie-in situation.

Thank you

Terry "Deuce" Robertson II, VP/RMO



615A US HWY 111

Brawley, CA 92227

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Cell: (760) 457-6087

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On Tue, Sep 10, 2019 at 4:07 PM Mauricio Jimenez <safety@starrainllc.com> wrote:

It is in place. Looking forward to the date.

Regards

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Terry Robertson II <deuce@radcoinc.net>

Date: 9/10/19 3:25 PM (GMT-08:00)

To: Mauricio Jimenez <safety@starrainllc.com>

Cc: Justo Felix <JFelix@starrainllc.com>, Rick Kuhn <rick@radcoinc.net>

Subject: Re: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15

Just curious, is the permit already in place? I'll talk to my partner Rick, who's in charge of the men and figure out our schedule.

Thanks

Deuce

On Tue, Sep 10, 2019, 3:22 PM Mauricio Jimenez <safety@starrainllc.com> wrote:

Here you go Deuce. When can you guys start?

Regards,

Mauricio Jimenez

Safety Manager
Star Rain LLC / TO Logistics INC

M. (956) 532-0569

safety@starrainllc.com

On Sep 10, 2019, at 1:39 PM, Terry Robertson II <deuce@radcoinc.net> wrote:

Please see the attached revised proposal. I had to add some money for the extra footage of pipe past the fence.

Thank you

Terry "Deuce" Robertson II, VP/RMO



615A US HWY 111

Brawley, CA 92227

Office: (760) 344-4004

Fax: (760) 344-4005

Cell: (760) 457-6087

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On Tue, Sep 10, 2019 at 11:22 AM Mauricio Jimenez <safety@starrainllc.com> wrote:

Deuce, please be advised that as per Fire Department request, the hydrant goes inside, as shown in the attachment.

Regards

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Jesus Villegas <JVillegas@cityofimperial.org>

Date: 9/10/19 11:21 AM (GMT-08:00)

To: Mauricio Jimenez <safety@starrainllc.com>

Subject: FH Location_Justo Felix Annexation/Improv Plans_IM 3-15

Per your request see attachment

Should you have any questions regarding this matter, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Jesus Villegas

Project Manager

CITY OF IMPERIAL

Community Development Department

400 South Imperial Avenue, Suite A

Imperial, CA 92251

Telephone: (760) 355-3840

Facsimile: (760) 355-4718

email: jvillegas@cityofimperial.org

website: <http://www.imperial.ca.gov/>

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<Star Rain - Proposal.doc>

Othon Mora

From: JUSTO FELIX <totransportcorp@gmail.com>
Sent: Friday, February 21, 2020 3:39 AM
To: Othon Mora
Subject: Fwd: Revised bid due to the existing IID line
Attachments: Star Rain - Proposal revsied.doc

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: Terry Robertson II <deuce@radcoinc.net>
Fecha: 21 de octubre de 2019, 4:08:08 p. m. PDT
Para: JUSTO FELIX <totransportcorp@gmail.com>
Cc: Carlos Beltran <cbeltran@dceinc.pro>, Rick Kuhn <rick@radcoinc.net>
Asunto: Fwd: Revised bid due to the existing IID line

Good afternoon Justo

I sent an email to Mauricio, but I was told he no longer works there. I've forwarded it here. Since the scope has changed (with the presence of the IID siphon), we had to adjust our price. I tried to keep it as low as possible, but there is an increase. I completely understand if you want to go back out to bid. I can't do it any cheaper then what I have attached.

Thank you

Terry "Deuce" Robertson II, VP/RMO



**615A US HWY 111
Brawley, CA 92227
Office: (760) 344-4004
Fax: (760) 344-4005
Cell: (760) 457-6087**

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----- Forwarded message -----

From: **Terry Robertson II** <deuce@radcoinc.net>

Date: Mon, Oct 14, 2019 at 1:52 PM

Subject: Revised bid due to the existing IID line

To: Mauricio Jimenez <safety@starrainllc.com>

Cc: Rick Kuhn <rick@radcoinc.net>

Good afternoon Mauricio

Please see the revised proposal, due to the recent findings of an existing IID siphon. We did not know about this line and it was not on the bid plans. Unfortunately, it's a 60" line and now the scope must change dramatically. We will have to do a bore crossing rather than an open cut now. I just got my bore quote back from my sub and revised my proposal, attached.

I understand if this is too high now and if you need to go back out to bid. I feel really bad, but it was unknown at the time I bid this project. If you still want to move forward with Radco, I will continue to stay in contact with Carlos and David at DCE.

Thank you

Terry "Deuce" Robertson II, VP/RMO



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Brawley, CA 92227
Office: (760) 344-4004
Fax: (760) 344-4005
Cell: (760) 457-6087**

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September 9, 2019 Revised 10/14/19

Proposal Submitted To: Star Rain, LLC
P Street
Imperial, CA 92251

Re: Sewer & Water Installation

PROPOSAL

SCOPE OF WORK:

Radco, Inc. will supply materials, equipment, and labor to complete the following:

SEWER

1. Traffic control for tie-in and installation of pipe along shoulder of P-Street
2. Saw cut & demo for crossing P-Street
3. Tie into existing manhole on Rosarito Street (drop manhole connection method)
4. Install 8" pipe across P-Street and include shoring
5. Install 8" pipe along shoulder of P-Street (North & South)
6. Install 8" pipe heading West along future road
7. Install 10' stub-out on section heading West
8. Install (3) sewer manholes
9. Install 4" lateral to the existing trailer (connection by others)
10. Trench patch asphalt on Rosarito Street and P-Street

Sewer Total - ~~\$60,000.00~~ \$95,000.00

FIRE HYDRANTS

1. Tie-in to existing water main with (1) hot taps & (1) gate valves
2. Install 165' of 6" CL200 PVC
3. Install (1) 3-port fire hydrants (auto shut-off valves included)

Fire Total - \$19,000.00

DOMESTIC

1. Tie-in new 2" lateral to existing 10" water main on property
2. Install 215' of 2" Sch40 pvc to the existing trailer
3. Install 2" backflow preventer (includes cage)
4. Install (owner provided - comes with permit) 2" water meter

Domestic Total - \$15,500.00

TOTAL - ~~\$94,500.00~~ \$129,500.00

EXCLUSIONS: Testing, permitting, fees, construction water, survey, engineering, import/export, SWPP, landscape, storm drain

PAYMENT SCHEDULE: Net Due in 30 Days

Respectfully Submitted By: Terry A. Robertson II, VP/RMO

This Proposal is valid for 30 days. Please contact Radco Inc. if time has elapsed. Any item not specifically stated on this document as included is excluded.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above this estimate. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. We carry Commercial General Liability Insurance through Tyler Insurance Agency @ 760 352-2611

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature: _____

Othon Mora

From: JUSTO FELIX <totransportcorp@gmail.com>
Sent: Friday, February 21, 2020 3:39 AM
To: Othon Mora
Subject: Fwd: Any update?: Felix Annex Improvements/ IID Crossing Encroachment Permit

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

Dc: Terry Robertson II <deuce@radcoinc.net>
Fecha: 8 de noviembre de 2019, 8:28:10 a. m. PST
Para: Jesus Villegas <JVillegas@cityofimperial.org>
Cc: "Justo Felix - To Transport (totransportcorp@gmail.com)" <totransportcorp@gmail.com>, "Dynamic - Carlos Beltran (cbeltran@dceinc.pro)" <cbeltran@dceinc.pro>, Othon Mora <omora@cityofimperial.org>, Rick Kuhn <rick@radcoinc.net>, Josh Rios <josh@radcoinc.net>, Luis Lopez <luis@radcoinc.net>, Bob Long <longsdirectionalboring@yahoo.com>, Jeff Guy <ecmngr@acmesafetysupply.com>
Asunto: Re: Any update?: Felix Annex Improvements/ IID Crossing Encroachment Permit

Good morning everyone

My boring sub is available to do the bore on the 21st of this month. So we're trying to set up for that day. Does that work for everyone? How about the IID? Does anyone know who to contact to check with them? I'll have Jeff with Acme send a new traffic control plan based on a boring plan now rather than an open cut

Thank you

Terry "Deuce" Robertson II, VP/RMO



**615A US HWY 111
Brawley, CA 92227
Office: (760) 344-4004
Fax: (760) 344-4005**

Cell: (760) 457-6087

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On Mon, Nov 4, 2019 at 10:19 AM Jesus Villegas <JVillegas@cityofimperial.org> wrote:

Justo/Carlos/Deuce,

Now that the IID encroachment permit has been approved, could you please share with us an update regarding the work schedule for this project?

Being "P" Street (Clark Rd) a busy route, there is some coordination that should be completed prior to the initiation of any construction within the roadway.

Should you have any questions regarding this matter, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Jesus Villegas

Project Manager

CITY OF IMPERIAL

Community Development Department

400 South Imperial Avenue, Suite A

Imperial, CA 92251

Telephone: (760) 355-3840

Facsimile: (760) 355-4718

email: jvillegas@cityofimperial.org

website: <http://www.imperial.ca.gov/>



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From: Carlos Beltran [<mailto:cbeltran@dceinc.pro>]
Sent: Tuesday, October 22, 2019 8:41 AM
To: 'JUSTO FELIX'; Jesus Villegas; 'Terry Robertson II'
Subject: IID Crossing Encroachment Permit

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Justo,

Attached you'll find the approved encroachment permit (with conditions) for the sewer line crossing.

There is a fee of \$1,800 payable to IID for engineering and inspections. (See line item No.7)

Carlos Beltran, P.E.

Dynamic Consulting Engineers, Inc.

2415 Imperial Business Park Dr., Suite B

Imperial, CA 92251

Phone (760) 545-0162

Fax (760) 545-0163

Othon Mora

From: JUSTO FELIX <totransportcorp@gmail.com>
Sent: Friday, February 21, 2020 3:40 AM
To: Othon Mora
Subject: Fwd: Soils Testing on Justo Felix project

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: Terry Robertson II <deuce@radcoinc.net>
Fecha: 13 de noviembre de 2019, 10:16:44 a. m. PST
Para: Carlos Beltran <cbeltran@dceinc.pro>
Cc: JUSTO FELIX <totransportcorp@gmail.com>, Rick Kuhn <rick@radcoinc.net>, Luis Lopez <luis@radcoinc.net>, Josh Rios <josh@radcoinc.net>
Asunto: Soils Testing on Justo Felix project

Good morning Carlos

Do you know who is being retained for the compaction testing on this project? I need to open up communications with whoever Justo has retained asap. Thx

Thank you

Terry "Deuce" Robertson II, VP/RMO



**615A US HWY 111
Brawley, CA 92227
Office: (760) 344-4004
Fax: (760) 344-4005
Cell: (760) 457-6087**

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Othon Mora

From: JUSTO FELIX <totransportcorp@gmail.com>
Sent: Friday, February 21, 2020 3:40 AM
To: Othon Mora
Subject: Fwd: Any update?: Bore Crossing on Clark Road (Felix Annex Improvements)

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: Terry Robertson II <deuce@radcoinc.net>
Fecha: 5 de diciembre de 2019, 10:51:38 a. m. PST
Para: Jesus Villegas <JVillegas@cityofimperial.org>
Cc: Carlos Beltran <cbeltran@dceinc.pro>, Rick Kuhn <rick@radcoinc.net>, Josh Rios <josh@radcoinc.net>, Luis Lopez <luis@radcoinc.net>, Jeff Guy <ecmng@acmesafetysupply.com>, Bob Long <longsdirectionalboring@yahoo.com>, JUSTO FELIX <totransportcorp@gmail.com>, Wes Matejovsky <WDMatejovsky@iid.com>, Harold Trench Shoring Rentals <smithharold7@aol.com>, Othon Mora <omora@cityofimperial.org>, "dbeltran@dceinc.pro" <dbeltran@dceinc.pro>
Asunto: Re: Any update?: Bore Crossing on Clark Road (Felix Annex Improvements)

I spoke to Bob earlier this morning and we're getting close. I should have a new date "in ink" by tomorrow. I know everyone is anxious to get this line in, so I apologize for the delays.

Thank you

Terry "Deuce" Robertson II, VP/RMO



**615A US HWY 111
Brawley, CA 92227
Office: (760) 344-4004
Fax: (760) 344-4005
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On Thu, Dec 5, 2019 at 10:49 AM Jesus Villegas <JVillegas@cityofimperial.org> wrote:

Hi Deuce,

Do you have any update regarding the new date to resume working on this project?

Please let me know.

Jesús

From: Terry Robertson II [<mailto:deuce@radcoinc.net>]

Sent: Tuesday, November 19, 2019 9:20 AM

To: Carlos Beltran; Jesus Villegas; Rick Kuhn; Josh Rios; Luis Lopez; Jeff Guy; Bob Long; JUSTO FELIX; Wes Matejovsky; Harold Trench Shoring Rentals; Othon Mora; dbeltran@dceinc.pro

Subject: Bore Crossing on Clark Road - Postponed

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning all,

Unfortunately our boring contractor had a passing in his family. The funeral is scheduled on the day of the scheduled bore crossing. We will have to postpone this project until after the Thanksgiving break at this point. I'm very sorry to everyone that was ready to go on this. I will get with Mr. Long when he's available and reschedule. I will email everyone once we get the new date set. Once again, my apologies.

Thank you

Terry "Deuce" Robertson II, VP/RMO



615A US HWY 111

Brawley, CA 92227

Office: (760) 344-4004

Fax: (760) 344-4005

Cell: (760) 457-6087

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Othon Mora

From: JUSTO FELIX <totransportcorp@gmail.com>
Sent: Friday, February 21, 2020 3:40 AM
To: Othon Mora
Subject: Fwd: Any update?: Bore Crossing on Clark Road (Felix Annex Improvements)

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: Terry Robertson II <deuce@radcoinc.net>
Fecha: 6 de diciembre de 2019, 4:08:57 p. m. PST
Para: Jesus Villegas <JVillegas@cityofimperial.org>
Cc: Carlos Beltran <cbeltran@dceinc.pro>, Rick Kuhn <rick@radcoinc.net>, Josh Rios <josh@radcoinc.net>, Luis Lopez <luis@radcoinc.net>, Jeff Guy <ecmng@acmesafetysupply.com>, Bob Long <longsdirectionalboring@yahoo.com>, JUSTO FELIX <totransportcorp@gmail.com>, Wes Matejovsky <WDMatejovsky@iid.com>, Harold Trench Shoring Rentals <smithharold7@aol.com>, Othon Mora <omora@cityofimperial.org>, David Beltran <dbeltran@dceinc.pro>
Asunto: Re: Any update?: Bore Crossing on Clark Road (Felix Annex Improvements)

Good afternoon all

We're scheduled for the bore crossing on December 16th. Please let me know if there are any conflicts. I'm sure everyone would like this to hurry up and get this pipe into the ground.

Have a great weekend

Thanks
Deuce

On Thu, Dec 5, 2019, 10:49 AM Jesus Villegas <JVillegas@cityofimperial.org> wrote:

Hi Deuce,

Do you have any update regarding the new date to resume working on this project?

Please let me know.

Jesús

From: Terry Robertson II [mailto:deuce@radcoinc.net]

Sent: Tuesday, November 19, 2019 9:20 AM

To: Carlos Beltran; Jesus Villegas; Rick Kuhn; Josh Rios; Luis Lopez; Jeff Guy; Bob Long; JUSTO FELIX; Wes Matejovsky; Harold Trench Shoring Rentals; Othon Mora; dbeltran@dceinc.pro

Subject: Bore Crossing on Clark Road - Postponed

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning all,

Unfortunately our boring contractor had a passing in his family. The funeral is scheduled on the day of the scheduled bore crossing. We will have to postpone this project until after the Thanksgiving break at this point. I'm very sorry to everyone that was ready to go on this. I will get with Mr. Long when he's available and reschedule. I will email everyone once we get the new date set. Once again, my apologies.

Thank you

Terry "Deuce" Robertson II, VP/RMO



615A US HWY 111

Brawley, CA 92227

Office: (760) 344-4004

Fax: (760) 344-4005

Cell: (760) 457-6087

This email may contain confidential or proprietary information or material and is for the sole use of the intended recipient. Any review, use distribution or disclosure by others is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message

Othon Mora

From: justo Felix <JFelix@starrainllc.com>
Sent: Friday, February 21, 2020 3:41 AM
To: Othon Mora
Subject: Fwd: LETTER
Attachments: CONTRUCTION.pdf; ATT00001.htm

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Enviado desde mi iPhone

Inicio del mensaje reenviado:

De: manuel hernandez <manuel68starrainllc@gmail.com>
Fecha: 24 de enero de 2020, 1:29:30 p. m. PST
Para: justo Felix <JFelix@starrainllc.com>
Asunto: LETTER

CA821436



7114 7389 6621 3703 3975

Dated: 01/21/20

CALIFORNIA PRELIMINARY NOTICE

This is not a Lien. Civil Code Sections 8200, et seq., 9300, et seq.

Reputed Owner or Public Entity

01/21/20 CA821436
JUSTO & GISEL C FELIX/
STAR RAIN LLC
2475 CLARK RD
IMPERIAL CA 92251

Reputed Construction Lender or Lessee

OWNER FINANCED

Reputed Direct Contractor

RADCO INC
615A S HWY 111
BRAWLEY CA 92227

1 - You are hereby notified that

RADCO INC
615A S HWY 111
BRAWLEY CA 92227

2 - Has furnished or will furnish labor, services, equipment, or materials of the following general description:

WET UTILITIES MATERIALS
LABOR TO INSTALL

3 - An estimate of the total price of the labor, services, equipment, or materials furnished or to be furnished is:

\$ 129,500.00

4 - The building, structure or other work of improvement is located at:

19-68 STAR RAIN (WETS)
2475 CLARK RD
IMPERIAL CA 92251

5 - The party to or for whom the work is provided.

STAR RAIN LLC
2475 CLARK RD
IMPERIAL, CA 92251

The relationship to the party(ies) giving this notice is:
Direct Contractor

6 - Name and address of Trust Funds to which Supplemental Fringe Benefits are payable (if applicable):

7 - Federal Public Work Jobsite Title 40 USC Sec. 270A-270E

Contract #
Bond Co:

Authorized Agent
1-800-366-5660

NOTICE TO PROPERTY OWNER
EVEN THOUGH YOU HAVE PAID YOUR CONTRACTOR IN FULL, if the person or firm that has given you this notice is not paid in full for labor, service, equipment or material provided or to be provided to your construction project, a lien may be placed on your property. Foreclosure of the lien may lead to loss of all or part of your property. You may wish to protect yourself against this by (1) requiring your contractor to provide a signed release by the person or firm that has given you this notice before making payment to your contractor, or (2) any other method that is appropriate under the circumstances. This notice is required by law to be served by the undersigned as a statement of your legal rights. This notice is not intended to reflect upon the financial condition of the contractor or the person employed by you on the construction project. If you record a notice of cessation or completion of your construction project, you must within 10 days after recording, send a copy of the notice of completion to your contractor and the person or firm that has given you this notice. The notice must be sent by registered or certified mail. Failure to send the notice will extend the deadline to record a claim of lien. You are not required to send the notice if you are a residential homeowner of a dwelling containing four or fewer units.

This undersigned declares as follows: I am over the age of 18 and employed by Construction Notice Services, Inc., whose business address is 9520 Padgett St #208, San Diego, CA 92126. I am employed in the County of San Diego, where this mailing occurs, and not a party to this action. On the date shown below, in the City of San Diego, I served within California Preliminary Notice, sealed and deposited in the mail in the manner prescribed by law, by first class registered or certified mail, postage fully prepaid, to the person(s) at the address shown thereon.

Signature:

Date: 01/21/20

**FFIDAVIT OF PUBLICATION
(2015.5 C.C.P.)**

STATE OF CALIFORNIA

County of Imperial

resident of the County aforesaid; I am
he age of eighteen years, and not a party to
rested in the above entitled matter. I am
ncipal clerk* of the printer of the

Imperial Valley Press

spaper of general circulation, printed and
hed daily in the City of El Centro, County
perial and which newspaper has been
ged a newspaper of genera circulation by
perior Court of the County of Imperial,
of California, under the date of October 9,
Case Number 26775; that the notice, of
the annexed is a printed copy, has been
hed in each regular and entire issue of said
paper and not in any supplement thereof on
llowing dates, to-wit:

the year 2020

fy (or declare) under penalty of
y that the foregoing is true and
t.


SIGNATURE

of Account: CITY OF IMPERIAL
Number: 11391335
umber: 31651307

ter, Foreman of the Printer, or Principal Clerk of
inter
6 th day of April, 2020.
Centro, California.

This space is for the County Clerk's
Filling Stamp:



**Notice of Public Hearing
City of Imperial City Council**

Notice is hereby given that a public hearing will be held by the City of Imperial City Council on Wedn
day, April 15, 2020 at 7:00 P.M. The public hearing will be held at the City of Imperial Council Chu
bers located at 200 W. 9th Street, Imperial, CA 92251. The purpose of the publis hearing is to rec
comments from the public regarding Conditional Use Permit 19_06- Justo Felix Trucking Facility loca
at 2475 Clark Road. The applicant is requesting to appeal the decision the Planning Commission m
on March 11th, 2020 to revoke the exiting Conditional Use Permit (19_06), deny the request for a t
extension, and amendments to the existing conditions of approval. The time extension is needed to
ish the improvements required for the facility to continue operating, that are tied to an existing conditi
al use permit, allowing the operation of a trucking facility located at 2475 Clark Road; Imperial,
92251. If the appeal for the time extension is not granted by the City Council, revocation of the Co
ditional Use Permit will be final. The project has an existing certified Negative Declaration under the C
fornia Environmental Quality Act.

Copies of the application and other pertinent information are available for review at the Community
velopment Department at Imperial City Hall during regular business hours. If you would like to k
more about the proposed project prior to the public hearing, please contact Lisa Tylenda, Planne
(760)355-3326 or via email at ltylenda@cityofimperial.org.

Any person desiring to comment on the above project may do so in writing, email, or may appear in
son at the public hearing. Written comments should be directed to Ms. Debra Jackson, City Clerk,
of Imperial, 420 South Imperial Avenue; Imperial, CA 92251. Please reference the project name in
written correspondence. If sending an email regarding the project please email
cityclerk@cityofimperial.org

Debra Jackson
City Clerk
L552

A6

DATE SUBMITTED 04/08/2020
 SUBMITTED BY Public Services
 DATE ACTION REQUIRED 04/15/2020

COUNCIL ACTION ☒
 PUBLIC HEARING REQUIRED ☐
 RESOLUTION ☐
 ORDINANCE 1ST READING ☐
 ORDINANCE 2ND READING ☐
 CITY CLERK'S INITIALS ☒

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: **DISCUSSION/ACTION:**
 Engineering Services 1. Discuss, Approve/Disapprove proposal for Engineering Services for Water Master Plan

DEPARTMENT INVOLVED: Public Services

BACKGROUND/SUMMARY:

Albert A. Webb Associates has provided a proposal, to prepare a Water Master Plan for the City. The most current plan was prepared in 2006 that does not represent current conditions. Plan would include:

- Inventory of Existing Facilities, Service Area Evaluation, Design Criteria, Model Development, Hydraulic Analysis, Alternative Assessment, Capital Improvement Plan, Routine Maintenance Plan, Master Plan Report

FISCAL IMPACT: \$196,195
 Water Bond

FINANCE
INITIALS



STAFF RECOMMENDATION: Approve

DEPT. INITIALS



MANAGER'S RECOMMENDATION: 

CITY
MANAGER'S
INITIALS



MOTION:

SECONDED:
 AYES:
 NAYES:
 ABSENT:

APPROVED ☐ REJECTED ☐
 DISAPPROVED ☐ DEFERRED ☐
 REFERRED TO:



Corporate Headquarters
3788 McCray Street
Riverside, CA 92506
951.686.1070

Palm Desert Office
74967 Sheryl Avenue
Palm Desert, CA 92260
951.686.1070

Murrieta Office
41870 Kalmia Street #160
Murrieta, CA 92562
T: 951.686.1070

April 8, 2020

WO:18-0229

Mr. Jackie Loper
Public Services Director
City of Imperial
420 S. Imperial Avenue
Imperial, CA 92251

RE: Proposal for Water Master Plan

Dear Mr. Loper,

Pursuant to your request, Albert A. Webb Associates (WEBB) is pleased to provide this proposal to prepare a Water Master Plan for the City of Imperial (City). The City's most current Water Master Plan was prepared in 2006. The 2006 master plan is not representative of current conditions because it was based upon population projections, land use, and development plans that were very aggressive compared to the reality experienced after the 2008 housing crisis. Since then, many development projects have been delayed and/or cancelled. In addition, many developments have revised their densities to adjust for changing market conditions. This proposed Water Master Plan will be a valuable tool to assist with budgeting for future maintenance, replacement, and improvement projects for the City's water facilities. A Water Master Plan will not only aid in financial planning but will help prioritize facility improvements to meet existing and projected demands. Our scope of work will include the following tasks.

WATER MASTER PLAN

INVENTORY OF EXISTING FACILITIES

An inventory of the water facilities including the Water Treatment Plant (WTP), water storage reservoirs, booster stations, transmission pipelines and distribution pipelines will be provided. Additionally, two (2) site visits will be budgeted for as part of this work to conduct a visual inspection for obvious signs of deficiencies or deterioration. Interviews will be conducted with City operations staff to gain feedback regarding maintenance issues and operational challenges. Problem areas will be noted so a detailed investigation can be planned for by specialized professionals under a separate contract.

SERVICE AREA EVALUATION

Our team will closely coordinate with the City's Planning Department and General Plan to ensure the most accurate planning estimates are being utilized. Figures and tables will be prepared to identify service boundaries, the sphere of influence, and benefit areas. The various land use types will also be identified. Also included as part of this work is research into special local and regional government requirements for water distribution.

DESIGN CRITERIA

A review of the City's existing design standards will be compared to local standards and historical demand data. Design standards will include peaking factors, coefficient of friction, pressure criteria, velocity constraints, required water storage volume, treatment capacity, and pumping rates. Recommended design standards will be presented to the City for review prior to sizing proposed facilities. Growth projections will be based on the average of historical demand data.

MODEL DEVELOPMENT

A copy of the City's existing water model will be utilized and updated to match the current conditions with the help of the City's input and any available as-built plans and GIS data. Webb has been working with the City for several years and has prepared hydraulic evaluations to assist in the development of new infrastructure and will use this background knowledge to assist with model updates. WEBB will base pipeline elevations on available free surface data available through ESRI adjusted by a factor of 1000 ft to avoid working in negative elevations. If pump curve and diurnal curve data is available, this information will be used in the model. SCADA settings will also be added to the model so that an Extended Period Scenario (EPS) can be developed.

Model reconciliation will be conducted by taking field pressure readings during controlled pumping rates. If the City has a collection of past field fire flow tests, then these tests will also be used to adjust the model. Hazen-Williams roughness coefficients will be changed in the model for pipes based on age and material type until model output pressures are reasonably close to the field readings (preferably within 5 percent of the field data). Pump curve data will be collected from the City to populate the model along with recent pump efficiency test information and control settings.

HYDRAULIC ANALYSIS

With a reconciled model, various model runs will be analyzed to determine system deficiencies. Potential problem areas will be addressed with proposed facilities sized to meet both existing and future demand estimates. Both the analysis and sizing of facilities will be based on the agreed upon design standards.

ALTERNATIVE ASSESSMENT

From a hydraulic standpoint, multiple improvement alternatives may exist. A general evaluation of the alternative solutions will be conducted considering design criteria, environmental impact, land requirements, construction issues, operations aspects, cost estimates, and other advantages and disadvantages. A more detailed analysis may be warranted during the preliminary design phase of the improvement which would be done under a separate contract.

CAPITAL IMPROVEMENT PLAN

A basic description of each improvement will be provided. The description will include justification for the recommended alternative, prioritization, approximate year to construct, and estimated costs. Improvements included in the Capital Improvement Plan will be categorized into one of the following categories: (1) immediate need, (2) 10-year horizon needs, (3) 20-year horizon needs, or (4) ultimate needs.

ROUTINE MAINTENANCE PLAN

Included in the scope of work is a Routine Maintenance Plan which will include recommendations for storage facilities, booster stations/pumping units, transmission pipelines, distribution pipelines, SCADA system, disinfection and treatment facilities.

MASTER PLAN REPORT

Each of the aforementioned items will be discussed in a formal Master Plan report and delivered to the City.

EXCLUSIONS

Any work relating to the following is specifically excluded from the services proposed herein and, if required, must be included in a separate contract or as an addendum to this contract:

- Preliminary and/or final design of system improvements
- Environmental documentation and/or studies
- Right of way evaluation and utility research
- Survey
- Geotechnical Study
- Water Quality Analysis

DELIVERABLES

Three hard copies and a PDF copy of the Master Plan Report will be provided for review and comment at the 70 percent, 90 percent, and 100 percent phases. Additionally, PDF copies of maps, tables, and standards will be provided in the earlier stages of the development of the Master Plan for clarification and insight from City staff members.

SCHEDULE AND COMPENSATION

It is anticipated the project will be completed in approximately twelve (12) months after notice to proceed. These services will be performed on a percent complete basis for a total fee of \$196,195 (see Attachment A). Charges will be billed monthly and all invoices shall be due and payable upon receipt and shall include zero retention.

We thank you for the opportunity to continue working with you on this critical project. Should you have any questions, please contact me at (951) 686-1070.

Sincerely,
ALBERT A. WEBB ASSOCIATES



Brian Knoll, P.E.
Senior Vice President

Cc: Kris Danielson, WEBB

Attachment A

Water Master Plan - City of Imperial

	Description	Principal II - \$281	Senior I - \$209	Assistant III - \$129	Assistant II - \$109	Project Coordinator - \$107	Total Hours	Total/Task ¹
1	General	60	44	10		18	132	\$ 29,272
	1.1 Project Management	32	16	10		8	66	\$ 14,482
	1.2 Kickoff Meeting	8	8			2	18	\$ 4,134
	1.3 Conference Calls	20	20			8	48	\$ 10,656
2	Inventory of Existing Facilities	22	48	28	20		118	\$ 22,006
	2.1 Site Visits	8	16	8	8		40	\$ 7,496
	2.2 WTP & Other Facility Assessments	12	16	16	8		52	\$ 9,652
	2.3 Generate Inventory of Existing Facilities	2	16	4	4		26	\$ 4,858
3	Service Area Evaluation	4	12	26	52		94	\$ 12,654
	3.1 Review Base Map		2	2	12		16	\$ 1,984
	3.2 Develop Land Use Map	2	6	8	32		48	\$ 6,336
	3.3 Identify Proposed Developments	2	4	16	8		30	\$ 4,334
4	Design Criteria	5	18	40	14	4	81	\$ 12,281
	4.1 - Review Existing Design Standards	2	4	16	8		30	\$ 4,334
	4.2 - Estimate Growth Projections	1	8	16	4		29	\$ 4,453
	4.3 - Recommend Design Standards	2	6	8	2	4	22	\$ 3,494
5	Model Development	6	56	58	72	12	204	\$ 30,004
	5.1 - Utilize Existing Model Base and Update		8	16	32		56	\$ 7,224
	5.2 - Populate Model with SCADA & Demand Data		8	16	8	4	36	\$ 5,036
	5.3 - Assign Elevations to Model			2	8		10	\$ 1,130
	5.4 - Apply Pump Curves and Control Settings to Model		8	8	16	8	40	\$ 5,304
	5.5 - Model Reconciliation	6	32	16	8		62	\$ 11,310
6	Hydraulic Analysis	4	56	40	20		120	\$ 20,168
	6.1 - Existing System Analysis	2	16	24	12		54	\$ 8,310
	6.2 - Ultimate System Analysis	2	40	16	8		66	\$ 11,858
7	Capital Improvement Plan	6	24	36	32		98	\$ 14,834
	7.1 - Description of Improvements	2	8	16	24		50	\$ 6,914
	7.2 - Cost Estimates	2	12	16	4		34	\$ 5,570
	7.3 - Prioritize and Categorize Improvements	2	4	4	4		14	\$ 2,350
8	Routine Maintenance Plan	4	8	20	6	2	40	\$ 6,244
	8.1 - Review Existing Maintenance Plan	2	4	4	2		12	\$ 2,132
	8.2 - Provide Maintenance Recommendation	2	4	16	4	2	28	\$ 4,112
9	Master Plan Report	20	80	144	56	16	316	\$ 48,732
	9.1 - 70% Draft Submittal	8	32	80	40		160	\$ 23,616
	9.2 - Address Comments & 90% Draft Submittal	4	24	40	8	8	84	\$ 13,028
	9.3 - Address Comments & Final Submittal	8	24	24	8	8	72	\$ 12,088
Total		131	346	402	272	52	1203	\$ 196,195

¹ The amounts indicated for each individual project task are estimated budget amounts and accordingly the actual amounts may be more or less than shown. However, the total budget will not be exceeded without written authorization from the City of Imperial.



03/30/2020

Public Services

04/15/2020

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IMPERIAL CITY COUNCIL

AGENDA ITEM

SUBJECT: Water Bond Projects		DISCUSSION/ACTION: 1. Discuss, Approve/Disapprove proposal for Engineering Services for Water Projects.	
DEPARTMENT INVOLVED: Public Services			
BACKGROUND/SUMMARY: Albert A. Webb Associates has provided a proposal, to prepare final engineering plan and specification services ready for bidding and construction, for these various water projects: • Airport Pipeline Loop • GAC Expansion • WTP Clearwell Pump Station Replacement • Annual Water Pipeline Replacement • WTP Lining Raw Water Pond #4			
FISCAL IMPACT: \$633,630 Water Bond		FINANCE INITIALS	
STAFF RECOMMENDATION: Approve		DEPT. INITIALS	
MANAGER'S RECOMMENDATION: 		CITY MANAGER'S INITIALS	
MOTION:			
SECONDED:		APPROVED ()	REJECTED ()
AYES:		DISAPPROVED ()	DEFERRED ()
NAYES:			
ABSENT:		REFERRED TO:	



March 26, 2020

Corporate Headquarters

3788 McCray Street
Riverside, CA 92506
951.686.1070

Palm Desert Office

36-951 Cook Street #103
Palm Desert, CA 92211
760.568.5005

Murrieta Office

41391 Kalmia Street #320
Murrieta, CA 92562
951.686.1070

Mr. Jackie Loper
Public Services Director
City of Imperial
420 S. Imperial Avenue
Imperial, CA 92251

RE: Proposal for Engineering Services for Various Water Projects

Dear Jackie,

Pursuant to your request Albert A. Webb Associates (Webb) has prepared the following proposal to provide engineering services for the subject projects. Webb's tasks will be to prepare final engineering plans and specifications ready for bidding and construction. The plans will include all necessary civil, structural, electrical and controls engineering design information and will be signed by a registered engineer in the state of California. Webb will also prepare the necessary paperwork required by CEQA, it is assumed that these projects will qualify for Categorical Exemptions and no further environmental documentation or special studies will be required.

Based upon our understanding of the projects, Webb's scope of work will include the following tasks for each project:

SCOPE OF SERVICES

Airport Pipeline Loop

Based on recent experience and hydraulic modeling, the existing waterlines and developments in the southeast portion of the City experience low water pressure during high demand periods. Hydraulic modeling results indicate that the installation of a pipeline around the airport perimeter from as shown in **Attachment A** will improve water pressures and fire flow capability in the existing waterlines east and south of the County airport. The project will include the installation of approximately 2,500 LF of 12-inch diameter waterline. Webb will provide the necessary coordination with the County/Airport/IID regarding property ownership and utility crossings. Engineering services proposed for this project are as follows:

1. Field topo including key shots of valve cans, manholes, telephone poles, curbs, ROW, property lines, easements, etc.
2. Geotechnical report and one (1) piezometer, by Landmark Geotechnical, to monitor groundwater levels at the intersection of the Dandelion Canal and Newside Canal.
3. Prepare plans, specifications and bid documents for construction. Drawings will be prepared on 24" x 36" sheets for pipelines at 1"=40' horizontal scale and 1"=4' vertical scale showing all appropriate connection details and construction notes per City requirements and applicable jurisdiction requirements.
4. Provide construction management services including:
 - a. Responding to contractor RFIs
 - b. Submittal review
 - c. Field inspection
 - d. Engineering services during construction

Schedule and Compensation

It is anticipated that the design will be completed within 20 weeks after the execution of contracts, notice to proceed, and easement acquisition. These services will be performed on a lump sum basis not to exceed \$114,270. A breakdown of the fee is included in the attached spreadsheet. Estimated Construction Cost is \$500,000.



www.webbassociates.com

GAC Expansion

The existing GAC Treatment System was installed at the WTP in 2019 to remove TTHMs and HAA5s as well as reduce the organics in the treated water. The current GAC treatment system treats approximately 1,200 gpm (1.7 mgd), which is roughly 50% of the peak summer flows and up to 100% of the winter low flows. The GAC system was designed to treat a portion of the total WTP flow and blend with non-GAC treated water prior to entering into the finished water storage reservoir. Since the GAC treatment system was put into operation, the City's TTHM/HAA5s levels have dropped and the City is in compliance with the State's TTHM levels. In anticipation of increasing water demands as the City grows and pending regulations regarding perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) removal, it is proposed that the existing GAC treatment system be expanded to treat an additional 1,200 gpm. GAC treatment is proving to be one of the best available technologies for treating PFOA/PFOS, which is being monitored in the parts per trillion range. The proposed expansion would be placed to the south of the existing GAC treatment system, as originally designed. See **Attachment B**. Design and construction management services assumed for this project are as follows:

1. Webb to perform a site visit to verify the location and operation of the proposed GAC treatment system.
2. Prepare plans, specifications and bid documents for construction. Drawings will be prepared on 24" x 36" sheets for the civil, mechanical, structural, and electrical drawings. The controls will also be incorporated into the SCADA system by SKM to ensure they work with the existing WTP and existing GAC controls.
3. Provide construction management services including:
 - a. Responding to contractor RFIs
 - b. Submittal review
 - c. Field inspection
 - d. Field visits during construction
 - e. Start-up
 - f. SCADA Programming
 - g. Update the WTP Operations Plan

Schedule and Compensation

It is anticipated that the design will be completed within 12 weeks after the execution of contracts and notice to proceed. These services will be performed on a lump sum basis not to exceed \$130,195. A breakdown of the fee is included in the attached spreadsheet. Estimated Construction Cost is \$1,000,000.

WTP Clearwell Pump Station Replacement

The existing concrete clearwell and clearwell pump station are located in the existing Administration Building at the Water Treatment Plant (WTP) and were constructed as part of the original WTP. The clearwell is approximately 20' x 30' x 7' in size and has a volume of approximately 25,000 gallons at the 5' water level. The clearwell pump station consists of three (3) variable speed vertical turbine pumping units, each rated at 2,500 gpm at 35' of head. Both the clearwell and clearwell pump station are in need of replacement due to age. The clearwell leaks near the top, which creates a very limited operating window and the pump capacity is not sufficient to support the expansion of the GAC system. It is proposed that a new clearwell/clearwell pump station be constructed at the WTP while the existing system remains in service. The new clearwell/clearwell pump station will include a new wet well, 3-4 new pumping units, with a new metal building and air-conditioned electrical room for the variable frequency drives. See **Attachment B**. Design and construction management services assumed for this project are as follows:

1. Field topo including key shots of valve cans, manholes, buildings and aboveground facilities. Webb would also perform a site visit to locate the proposed clearwell and pump station.
2. Geotechnical report, by Landmark Geotechnical.

3. Prepare plans, specifications and bid documents for construction. Drawings will be prepared on 24" x 36" sheets for the civil, mechanical, structural, and electrical drawings. The controls will also be incorporated into the SCADA system by SKM to ensure they work with the existing WTP and GAC controls.
4. Provide construction management services including:
 - a. Responding to contractor RFIs
 - b. Submittal review
 - c. Field inspection
 - d. Field visits during construction
 - e. SCADA Programming

Schedule and Compensation

It is anticipated that the design will be completed within 24 weeks after the execution of contracts and notice to proceed. These services will be performed on a lump sum basis not to exceed \$217,658. A breakdown of the fee is included in the attached spreadsheet. Estimated Construction Cost is \$600,000.

Annual Water Pipeline Replacement

As part of the annual waterline replacement program, aged 8-inch and 12-inch pipe will be replaced. The City will determine the pipelines to be replaced, comprising approximately 1,000 to 1,500 linear feet a year. See **Attachment C**. Engineering services proposed for this project are as follows:

1. Field topo including key shots of valve cans, manholes, telephone poles, curbs, ROW, property lines, easements, etc.
2. Prepare plans, specifications and bid documents for construction. Drawings will be prepared on 24" x 36" sheets for pipelines at 1"=40' horizontal scale and 1"=4' vertical scale showing all appropriate connection details and construction notes per City requirements and applicable jurisdiction requirements.
3. Provide construction management services including:
 - a. Responding to contractor RFIs
 - b. Submittal review
 - c. Field inspection
 - d. Field visits during construction

Schedule and Compensation

It is anticipated that the design will be completed within 16 weeks after the execution of contracts, notice to proceed, and easement acquisition. The services will be performed on a lump sum basis not to exceed \$98,923. A breakdown of the fee is included in the attached spreadsheet. Estimated Construction Cost is \$400,000.

WTP Lining Raw Water Storage Pond #4

The WTP consists of three (3) storage ponds where the raw water for the treatment process is stored. Storage Ponds #1 thru #3 are concrete lined. Storage Pond #4 is an earthen pond and is used to hold backwash water from the filters and sedimentation basins. This water can be returned to the front of the plant and used as raw water but contains a heavy organic load. It is recommended by IID to have 7 days of raw water storage to allow uninterrupted service during canal outages. The City's current raw water storage represents approximately 2-3 days of storage during summer months. To increase raw water storage and improve water quality entering the WTP, it is proposed that Storage Pond #4 be lined similar to the other ponds at the WTP. See **Attachment D**. The assumed scope of work for this project is as follows:

1. Field topo to determine elevations around the ponds and key shots of valve cans, manholes, buildings and aboveground facilities.
2. Prepare plans, specifications and bid documents for construction. Drawings will be prepared on 24" x 36" sheets for the civil and mechanical drawings.

3. Provide construction management services including:
 - a. Responding to contractor RFIs
 - b. Submittal review
 - c. Field inspection
 - d. Field visits during construction

Schedule and Compensation

It is anticipated that the design will be completed within 16 weeks after the execution of contracts and notice to proceed. These services will be performed on a lump sum basis not to exceed \$72,585. A breakdown of the fee is included in the attached spreadsheet. Estimated Construction Cost is \$1,000,000.

CONSTRUCTION SERVICES

Unless indicated elsewhere, the scope of construction services that Webb Associates will be providing for these projects are as follows:

1. Prepare bid addenda as necessary (assume 1 addendum)
2. Review contractor bids and provide recommendations for award
3. Respond to RFI's during bid period
4. Review contractor submittals
5. Attend a jobsite pre-construction meeting
6. Full time field inspection on pipeline projects
7. Perform three field visits during construction and one field visit to verify project performance and compliance with construction documents.
8. Provide telephone/email coordination during construction
9. Prepare record documents based upon contractor's redline markups

PROJECT TEAM

The primary personnel assigned to these projects will be as follows:

- Mr. Shane Bloomfield, PE (Senior Engineer) will serve as project manager and responsible engineer over all the projects.
- Mr. Brian Knoll, PE (Senior Vice President) will serve as Principal-in-charge and will oversee the projects through completion.
- Mr. Kris Danielson, PE (Associate Engineer) will be the project engineer on these projects and will be responsible for overseeing the development of the design documents and project specifications.
- Mr. Mark Jeppsen, PE (SKM Engineers) will be the project engineer for the electrical design and SCADA implementation.
- The Holt Group will provide survey and possibly inspection services for projects.

EXCLUSIONS

The following items have been specifically excluded from Webb's scope of work for these projects.

1. City will be responsible to post and file the Notice of Exemption with the appropriate authority
2. Preparation of permit applications and paying for permits unless specifically indicated in the proposed scope of work
3. Construction staking and surveying during construction
4. Property acquisition
5. Material testing
6. Traffic control plans

7. Utility relocation plans
8. Preparation of easement documents

As detailed above, based upon each project's Scope of Work, our engineering services budget for these projects is as follows:

<u>Project Name</u>	<u>Budget</u>
Airport Pipeline Loop	\$114,270
GAC Expansion	\$130,195
WTP Clearwell Pump Station Replacement	\$217,658
Annual Pipeline Replacement	\$ 98,923
WTP Lining Raw Water Storage Pond #4	\$ 72,585
TOTAL DESIGN/CONSTRUCTION MANAGEMENT COSTS	\$633,630

We thank you for the opportunity to continue working with the City of Imperial on these critical projects. Should you have any questions, please contact me at (951) 686-1070.

Sincerely,
ALBERT A. WEBB ASSOCIATES



Shane Bloomfield, P.E.
Senior Engineer

Cc: Brian Knoll, WEBB
Kris Danielson, WEBB

MANPOWER AND FEE ESTIMATE
CITY OF IMPERIAL

Proposal for Design Engineering Services for:
For Various Water Projects

Task	Personnel Hours					Budget ⁽¹⁾
Description	Principal Engineer	Senior Engineer	Associate Engineer	Project Coordinator	Total Hours	Labor
Task 1 - Airport Pipeline Loop						\$ 114,270
1.1 - Design (Utility Research)		2	6	12	20	\$ 2,490
Design (60% Plans)	8	18	60	4	90	\$ 16,620
Design (90% Plans & Spec.)	4	12	40	2	58	\$ 10,690
Design (100% Plans & Spec.)	2	10	20	2	34	\$ 6,270
1.2 - Coordination with County/Airport/IID	12	16		2	30	\$ 6,530
1.3 - Process Required Permits	2	4		2	8	\$ 1,510
1.4 - Bid Support	2	8	4	4	18	\$ 3,220
1.5 - Construction Management	18	24	60	16	118	\$ 21,400
1.A - Subcontractor - Survey						\$ 9,775
1.B - Subcontractor - Geotechnical						\$ 9,775
1.C - Subcontractor - Inspection						\$ 25,990
Task 2 - GAC Expansion						\$ 130,195
2.1 - Design (90% Plans & Spec.)	12	36	60	8	116	\$ 21,740
Design (100% Plans & Spec.)	4	20	35	6	65	\$ 11,835
2.2 - Bid Support	2	10	4	4	20	\$ 3,640
2.3 - Construction Management	12	40	60	12	124	\$ 22,920
2.4 - Start-up	6	24			30	\$ 6,540
2.5 - Update of WTP Operations Plan	4	6	10	2	22	\$ 4,180
2.A - Subcontractor - Electrical/Controls						\$ 36,800
2.B - Subcontractor - Inspection						\$ 22,540
Task 3 - WTP Clearwell Pump Station Replacement						\$ 217,658
3.1 - Preliminary Design	12	12	18	6	48	\$ 9,180
Design (60% Plans)	8	36	60	4	108	\$ 20,400
Design (90% Plans & Spec.)	6	24	40	4	74	\$ 13,880
Design (100% Plans & Spec.)	4	18	20	2	44	\$ 8,450
3.2 - Bid Support	2	8	4	4	18	\$ 3,220
3.3 - Construction Management	16	40	60	20	136	\$ 24,600
3.4 - Start-up	6	24			30	\$ 6,540
3.A - Subcontractor - Survey						\$ 7,763
3.B - Subcontractor - Geotechnical						\$ 6,325
3.C - Subcontractor - Structural						\$ 8,625
3.D - Subcontractor - Electrical/Controls						\$ 63,250
3.E - Subcontractor - Inspection						\$ 45,425
Task 4 - Annual Water Pipeline Replacement						\$ 98,923
4.1 - Design (Utility Research)		2	6	12	20	\$ 2,490
Design (60% Plans)	6	18	60	4	88	\$ 16,120
Design (90% Plans & Spec.)	4	12	40	2	58	\$ 10,690
Design (100% Plans & Spec.)	2	10	20	2	34	\$ 6,270
4.2 - Process Required Permits	2	6		4	12	\$ 2,100
4.3 - Bid Support	2	8	4	4	18	\$ 3,220
4.4 - Construction Management	12	36	45	16	109	\$ 19,795
4.A - Subcontractor - Survey						\$ 8,625
4.B - Subcontractor - Geotechnical						\$ 8,338
4.C - Subcontractor - Inspection						\$ 21,275
Task 5 - WTP Lining Raw Water Storage Pond #4						\$ 72,585
5.1 - Review Record Drawings - Site Evaluation	10	16	4	1	31	\$ 6,645
5.2 - Design (90% Plans & Spec.)	6	24	40	2	72	\$ 13,710
Design (100% Plans & Spec.)	4	16	25	2	47	\$ 8,905
5.3 - Bid Support	2	8	4	4	18	\$ 3,220
5.4 - Construction Management	4	24	12	4	44	\$ 8,480
5.A - Subcontractor - Survey						\$ 8,625
5.B - Subcontractor - Inspection						\$ 23,000
TOTAL BUDGET	196	572	821	173	1762	\$ 633,630

⁽¹⁾The amounts indicated for each individual project task are estimated budget amounts and accordingly the actual amounts may be more or less than shown. However, the total budget will not be exceeded without written authorization from the City.

Attachment A - Airport Waterline Loop



- Approximately 2,500LF of new pipeline
- Complete the pipeline loop that was not previously finished
- Improve flow and water pressure

Attachment B - GAC Expansion and Clearwell Pump Station



- Increase capacity of the GAC system to 3.5 MGD
- Improve TTHM removal
- Treatment for PFOS & PFAS
- Replace Clearwell Pump Station
- Improve operations and system control

Attachment C - Water Pipeline Replacements



- Various pipeline replacements
- Improve flow and pressures
- Replace aging pipes where frequent leaks occur

Attachment D - WTP Lining Raw Water Basin #4



- Expand raw water storage improves reliability
- Concrete lining
- Improve water quality and reduce organics (Lower TTHMs)

DATE SUBMITTED 04/07/2020
 SUBMITTED BY Public Services
 DATE ACTION REQUIRED 04/15/2020

COUNCIL ACTION
 PUBLIC HEARING REQUIRED ☒
 RESOLUTION ☐
 ORDINANCE 1ST READING ☐
 ORDINANCE 2ND READING ☐
 CITY CLERK'S INITIALS B

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: 2020-02 Bid Award DISCUSSION/ACTION: 1. Discuss, Approve/Disapprove 2020-02 Clark Lift Station				
DEPARTMENT INVOLVED: Public Services				
BACKGROUND/SUMMARY: The City received 2 bid proposals for 2020-02 Clark Lift Station Project: - SoCal Pacific Construction Corporation \$45,722.00 - Sancon Technologies \$40,000.00 Both were found to comply with requirements, with comparable systems and intent of specifications. Webb and Public Services recommend to go with apparent lowest bidder, Sancon Technologies.				
FISCAL IMPACT: \$40,000.00 Waste Water	FINANCE INITIALS <u>VB</u>			
STAFF RECOMMENDATION: Approve	DEPT. INITIALS <u>[Signature]</u>			
MANAGER'S RECOMMENDATION: <u>approve</u>	CITY MANAGER'S INITIALS <u>OTH</u>			
MOTION:				
<table style="width: 100%;"> <tr> <td style="width: 33%;"> SECONDED: AYES: NAYES: ABSENT: </td> <td style="width: 33%; text-align: center;"> APPROVED (DISAPPROVED (REFERRED TO: </td> <td style="width: 33%; text-align: center;"> REJECTED (DEFERRED (</td> </tr> </table>		SECONDED: AYES: NAYES: ABSENT:	APPROVED (DISAPPROVED (REFERRED TO:	REJECTED (DEFERRED (
SECONDED: AYES: NAYES: ABSENT:	APPROVED (DISAPPROVED (REFERRED TO:	REJECTED (DEFERRED (		



Corporate Headquarters

3788 McCray Street
Riverside, CA 92506
951.686.1070

Palm Desert Office

36-951 Cook Street #103
Palm Desert, CA 92211
760.568.5005

Murrieta Office

41391 Kalmia Street #320
Murrieta, CA 92562
951.686.1070

April 7, 2020

Mr. Jackie Loper
City of Imperial
420 South Imperial
Imperial, California 92251

RE: Bid Review for the Clark Lift Station Wetwell Rehab – Bid No. 2020-02

Dear Mr. Loper:

We have reviewed the two (2) bid proposals received on March 31, 2020 for the above referenced project. The bids received were as follows.

- | | |
|---|-------------|
| 1. SoCal Pacific Construction Corporation (Raven) | \$45,722.00 |
| 2. Sancon Technologies (Quad2X) | \$40,000.00 |

SoCal Pacific's bid included the Raven coating system, which was preapproved. Sancon Technologies' bid included the Quad2X coating system, which was not preapproved. The bid documents required alternative coating system be submitted for preapproval at least 10 days prior to bidding to allow time for review. The Quad2X system information was submitted 7 days prior to bidding. Our design team performed the evaluation as quickly as possible, but due to issues surrounding the COVID-19 "Stay at Home" orders, the evaluation was not completed in time to issue a bid addendum. We have since completed our review of the Quad2X coating system, and we believe this system in comparable to the systems named in the specifications.

We had concerns that accepting a bid from a contractor utilizing a coating system would create an unfair bidding environment because other bidders did not have access to the same materials. We have researched this issue and we found that SoCal Pacific is not an approved installer of the Quad2X coating system. Because of this fact, the materials of construction did not create an unfair bidding situation.

Based upon our review of the bids and the information presented above, WEBB recommends that the City award the contract to Sancon Technologies in the amount of \$40,000. This will require the City waive as a minor irregularity, the 10-day prior to bid requirement for submitting alternative materials.

Should you have any questions or require additional information, please contact our office.

Sincerely,
ALBERT A. WEBB ASSOCIATES

Brian Knoll, PE
Senior Vice President



www.webbassociates.com

COUNCIL ACTION	☒
PUBLIC HEARING REQUIRED	☐
RESOLUTION	☐
ORDINANCE 1 ST READING	☐
ORDINANCE 2 ND READING	☐
CITY CLERK'S INITIALS	☐

()

SUBJECT: 2020-03 Bid Award		DISCUSSION/ACTION:	
		1. Discuss, Approve/Disapprove 2020-03 Bid Awarding for Filter to Waste Project	
DEPARTMENT INVOLVED:		Public Services	
BACKGROUND/SUMMARY:			
The City received 2 bid proposals for 2020-03 Bid for Filter to Waste Project:			
- Abhe & Svoboda, Inc \$538,267.00 - Cora Construction, Inc. \$356,772.00			
Both were found to comply with requirements and intent of specifications. Webb and Public Services recommend to go with apparent lowest bidder, Cora Construction Inc.			
FISCAL IMPACT:		FINANCE INITIALS	
\$356,772.00			
Water Bond			
STAFF RECOMMENDATION: Approve		DEPT. INITIALS	
MANAGER'S RECOMMENDATION:		CITY MANAGER'S INITIALS	
<i>approve</i>			
MOTION:			
SECONDED:	APPROVED	()	REJECTED ()
AYES:	DISAPPROVED	()	DEFERRED ()
NAYES:			
ABSENT:	REFERRED TO:		



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41391 Kalmia Street #320
Murrieta, CA 92562
951.686.1070

April 1, 2020

Mr. Jackie Loper
City of Imperial
420 South Imperial
Imperial, California 92251

RE: Bid Review for the Water Treatment Plant – WTP Filter to Waste Project – Bid
No: 2020-03

Dear Mr. Loper:

We have reviewed the two (2) bid proposals received on March 26, 2020 for the above referenced project. The low bid proposal of \$356,772.00 was received from Cora Constructors, Inc. (Cora) of Palm Desert, California. The second bid of \$538,267.00 was from Abhe & Svoboda, Inc. (A&S) of Alpine, California.

Based upon Webb's review of Cora's and A&S's proposals, both were found to comply with the requirements and intent of the specifications. Our routine check of the contractor licenses for the two bidders, using the California Contractors State License Board's website, indicated that both licenses are in good standing.

A review of the Certified Data Sheet submitted by Cora in their proposal included valves and operators acceptable for the work.

Based upon our review and evaluation of the bid proposals and the engineer's estimate of \$367,000, Webb recommends that the City award the contract for the referenced project to Cora in the amount of \$356,772.00.

Should you have any questions or require additional information, please contact our office.

Sincerely,
ALBERT A. WEBB ASSOCIATES

A handwritten signature in black ink, appearing to read "Shane Bloomfield".

Shane Bloomfield, PE
Senior Engineer



www.webbassociates.com

DATE SUBMITTED

04/08/2020

SUBMITTED BY

COMMUNITY
DEVELOPMENT
DIRECTOR

DATE ACTION REQUIRED

04/15/2020

COUNCIL ACTION (X)

PUBLIC HEARING REQUIRED ()

RESOLUTION (y)

ORDINANCE 1ST READING ()

ORDINANCE 2ND READING ()

CITY CLERK'S INITIALS ()

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION:

1. Adopt a Resolution supporting project delivery schedule and timely use of Surface Transportation Block Grant (STBG) regarding 2nd Street Rehabilitation & Reconstruction Project from Old SR-86 to "P" Street.

DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT DEPARTMENT

BACKGROUND/SUMMARY:

On December 26, 2018, the Imperial County Transportation Commission (ICTC) called out for project under the Surface Transportation Block Grant (STBG) Program for Fiscal Years 2019/2020, 2020/2021 and 2021/2022. County of Imperial and all cities in the Imperial Valley were instructed to submit project listings based on the locally adopted criteria by ICTC Technical Advisory Committee. The adopted criteria are as follows: transportation project, generate an emissions reduction, and project must be located in or benefit a nonattainment or maintenance area.

The "2nd Street Rehabilitation & Reconstruction Project" is in lieu of the "La Brucherie Widening Project" which had to be closed because Caltrans imposed an unforeseen requirement regarding connectivity with the City of El Centro. At the recommendation of ICTC and Caltrans, "La Brucherie Widening Project" was closed out in its entirety with no negative effects due to the project had not been obligated, and therefore, no federal funds had been expended.

Based on ICTC Technical Advisory Committee's evaluation and ranking of projects, the City of Imperial secured an allocation to receive funds up to \$1,841,000. Said funds will be used for the 2nd Street Rehabilitation & Reconstruction from Old SR-86 to "P" Street. See Exhibit "A" (Site Plan) and the proposed Resolution attached herewith for details.

FISCAL IMPACT: \$1,841,000 in STBG funds and
\$822,791 in LTA Measure D funds

ADMIN
SERVICES
SIGN INITIALS

STAFF RECOMMENDATION:

Adopt a Resolution supporting project delivery schedule and timely use of STBG.

DEPT. INITIALS

MANAGER'S RECOMMENDATION:

approve

CITY
MANAGER'S
INITIALS

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REJECTED ()

DEFERRED ()

REFERRED TO:



SITE PLAN



COMMUNITY DEVELOPMENT DEPARTMENT

2ND STREET
REHABILITATION & RECONSTRUCTION PROJECT
FROM OLD SR-86 TO "P" STREET

DATE 03/17/2010

SHEET
1

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RESOLUTION NO. 2020-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL
APPROVING AN APPLICATION SUBMISSION TO OBTAIN FUNDING THROUGH
THE FY 2020-2021 SURFACE TRANSPORTATION BLOCK GRANT (STBG)**

WHEREAS, AB 1012 has been enacted into State Law in part to provide for the timely use of State and Federal funds; and

WHEREAS, the City of Imperial is able to apply for and receive Federal and State funding including Surface Transportation Block Grant (STBG) funds; and

WHEREAS, the City of Imperial desires to ensure that its project is delivered in a timely manner to preclude losing funds for non-delivery; and

WHEREAS, it is understood by the City of Imperial that failure for not meeting project delivery dates for any phase of a project may jeopardize federal or state funding to the Region; and

WHEREAS, the City of Imperial will submit an application *2nd Street Rehabilitation & Reconstruction from Old SR-86 to "P" Street* with an estimate project cost of \$2,663,791.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Imperial hereby agrees to ensure that all project delivery deadlines for all project phases will be met or exceeded; and

- a. The opportunity for public comment was provided at a public meeting;
- b. Local funds in the amount of 30.89% from Circulation and LTA Measure D funds will be used to leverage the federal funds for the project;
- c. Project is consistent with circulation element of the agency's general plan planning process;
- d. Project is consistent with the adopted pavement management plan.

BE IT FURTHER RESOLVED, that failure to meet project delivery deadlines may be deemed as sufficient cause for the Imperial County Transportation Commission Policy Board to terminate an agency's project and reprogram Federal/State funds as deemed necessary.

BE IT FURTHER RESOLVED, hat the City Council does direct its management and engineering staff to ensure all federal and state-funded projects are carried out in a timely manner as per the requirements of AB 1012 and the directive of the City Council

PASSED, APPROVED AND ADOPTED by the City Council of the City of Imperial
this 15th day of April, 2020.

Darrell Pechtl, Mayor

ATTEST:

Debra Jackson, City Clerk