
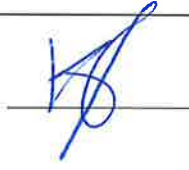




DATE SUBMITTED 4/8/2020
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 4/15/2020

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 INVOLVED:	COMMUNITY DEVELOPMENT
BACKGROUND/SUMMARY: On March 11 th , 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 () REJECTED () DISAPPROVE () DEFERRED () D 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 form 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 Imperia 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)



1" = 376 ft	Planning Commission	03/06/2020		
<small>This map image represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up to date information.</small>				



(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 lines, is located below the text 'LAW OFFICES OF J. CARLOS FOX'.

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)755-1217

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

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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

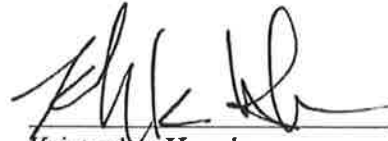
WHEREAS, a duly notified public hearing was held by the Planning Commission on March 11, 2020; and

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:

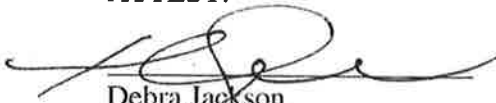
- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the 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

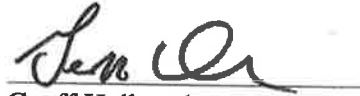
WHEREAS, a duly notified public hearing was held by the Planning Commission on July 24, 2019; and

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: GULLEN, 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 Coded 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

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@Gmml.com
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) 044,200,081 044-200-079, 044-200-079,
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: <input checked="" type="checkbox"/> ANNEXATION <input type="checkbox"/> SPHERE OF INFLUENCE <input type="checkbox"/> OTHER <input type="checkbox"/> DETACHMENT <input type="checkbox"/> CONSOLIDATION <input type="checkbox"/> EXTENSION OF SERVICES <input type="checkbox"/> INCORPORATION <input type="checkbox"/> 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. <input checked="" type="checkbox"/> YES, BOUNDARY EXHIBITS ARE ATTACHED

JAF
6-21-16

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: <input checked="" type="checkbox"/> UNINHABITED <input type="checkbox"/> INHABITED (12 OR MORE REGISTERED VOTERS)
6	CURRENTLY, THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE: <input checked="" type="checkbox"/> DEVELOPED <input type="checkbox"/> UNDEVELOPED
7	IS THIS PROPOSAL CONSISTENT WITH THE SPHERE OF INFLUENCE OF THE AFFECTED CITY AND/OR DISTRICT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> 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 eazzier for permits & to develope 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? <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IN INCORPORATED AREAS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> 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? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO WHAT IS THE PRE-ZONING CLASSIFICATION? <u>nh</u> WHAT DATE WAS THIS PRE-ZONED? <u>nh.</u>

3 2

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? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
18	WILL THE ANNEXED TERRITORY BE LIABLE FOR ITS SHARE OF EXISTING BONDED INDEBTEDNESS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> 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 <input type="checkbox"/> YES <input type="checkbox"/> NO (II) THE CITY CLERK AND CITY TREASURER <input type="checkbox"/> YES <input type="checkbox"/> NO

22	<p>IF THE FORMATION OF A NEW DISTRICT(S) IS INCLUDED IN THE PROPOSAL:</p> <p>(A) THE PRINCIPAL ACT(S) UNDER WHICH SAID DISTRICT(S) IS/ARE PROPOSED TO BE FORMED IS/ARE:</p> <p>_____</p> <p>_____</p> <p>(B) THE PROPOSED NAME(S) OF THE NEW DISTRICT(S) IS/ARE:</p> <p>_____</p> <p>_____</p> <p>(C) THE BOUNDARIES OF THE PROPOSED NEW DISTRICT(S) ARE AS DESCRIBED IN EXHIBITS _____, INCORPORATED HEREIN.</p>
23	<p>THE PERSON(S) SIGNING THIS PETITION HAVE SIGNED AS: (CHECK ONLY ONE)</p> <p><input type="checkbox"/> REGISTERED VOTERS</p> <p><input checked="" type="checkbox"/> OWNERS OF LAND</p>
24	<p>AS REQUIRED, THE FOLLOWING ITEMS ARE ENCLOSED WITH THIS APPLICATION:</p> <p><input checked="" type="checkbox"/> DEPOSIT</p> <p><input checked="" type="checkbox"/> INDEMNIFICATION AGREEMENT</p> <p><input checked="" type="checkbox"/> LEGAL DESCRIPTION</p> <p><input checked="" type="checkbox"/> ANNEXATION MAP (10 COPIES)</p> <p style="text-align: right;">76-21-16 - Not received!</p>



 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: <input type="checkbox"/> AGENDA COPIES <input type="checkbox"/> PUBLIC NOTICE OF HEARING <input type="checkbox"/> HEARING PACKAGE HARD COPY <input type="checkbox"/> HEARING PACKAGE ON CD
NAME	COMPANY
MAILING ADDRESS	TELEPHONE NUMBER
CITY, STATE, ZIP	EMAIL ADDRESS

PERSON 2	REQUESTS: <input type="checkbox"/> AGENDA COPIES <input type="checkbox"/> PUBLIC NOTICE OF HEARING <input type="checkbox"/> HEARING PACKAGE HARD COPY <input type="checkbox"/> HEARING PACKAGE ON CD
NAME	COMPANY
MAILING ADDRESS	TELEPHONE NUMBER
CITY, STATE, ZIP	EMAIL ADDRESS

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

Gisel C. Felix
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 Home 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 Home rd
el centro ca.

FOR LAFCO USE ONLY

RECEIVED BY: Paula Duff 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)

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

RECEIVED

SEP 29 2016

Imperial County
Local Agency Formation Commission

TAX AND FISCAL IMPACT AGREEMENT FOR ANNEXATION IM 3-15

1
2 THIS AGREEMENT is made and entered into by and between the COUNTY OF
3 IMPERIAL, a political subdivision of the State of California, hereinafter referred to as "County",
4 and the CITY OF IMPERIAL, a municipal corporation, hereinafter referred to as "City."

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

9
10 WHEREAS, California Government Code Section 56668 requires certain factors be
11 considered in review of any proposal before the Local Agency Formation Commission,
12 hereinafter referred to as "LAFCO," (including the "effect of the proposed action and of
13 alternative actions on adjacent areas, on mutual social and economic interests and on the local
14 government structure of the county"); and

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

19
20 WHEREAS, California Government Code Section 56021 defines "Change of
21 organization" to mean any of the following:(a) a city incorporation;(b) a district formation; (c)
22 an annexation to, or detachment from, a city or district;(d) a disincorporation of a city; (e) a
23 district dissolution; (f) a consolidation of cities or special districts;(g) a merger or establishment
24 of a subsidiary district, and;

25 WHEREAS, LAFCO requires a written agreement between the affected governmental
26 bodies prior to the approval of any annexation to offset any negative fiscal impacts, and;
27
28

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

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

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

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

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.

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

18 3. APPLICATION.

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

21 4. FISCAL IMPACT PAYMENT

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

27 County of Imperial
28 County Executive Office

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

WITH COPIES TO

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

NOTICES TO CITY OF IMPERIAL

City of Imperial
Attention: City Manager
420 South Imperial Avenue
Imperial California 92251

8. **EXECUTION OF AGREEMENT.**


a. The PARTIES herein agree that this Agreement may be executed in counterparts.

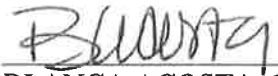
b. The PARTIES herein each warrant and represent that they are authorized to execute this Agreement and bind City or County to the terms and conditions of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement in

El Centro, California, on January 24th, 2017.

COUNTY OF IMPERIAL


MICHAEL W. KELLEY, Chairman
Board of Supervisors

ATTEST: 
BLANCA ACOSTA, Clerk of the
Board of the County of Imperial


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:

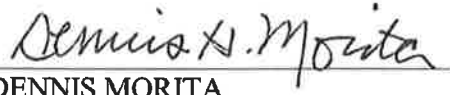

DENNIS MORITA
City Attorney

Exhibit “A”

COUNTY OF IMPERIAL
FISCAL IMPACT FEES
EFFECTIVE JANUARY 20, 2007

Exhibit A

Units	Total Impact Fee Per Unit	Per Fiscal Impact Studies	Surcharge for Developable Land	Total
Residential		Per Housing Unit		
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°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°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°03'43" WEST, A DISTANCE OF 1319.56 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 100;

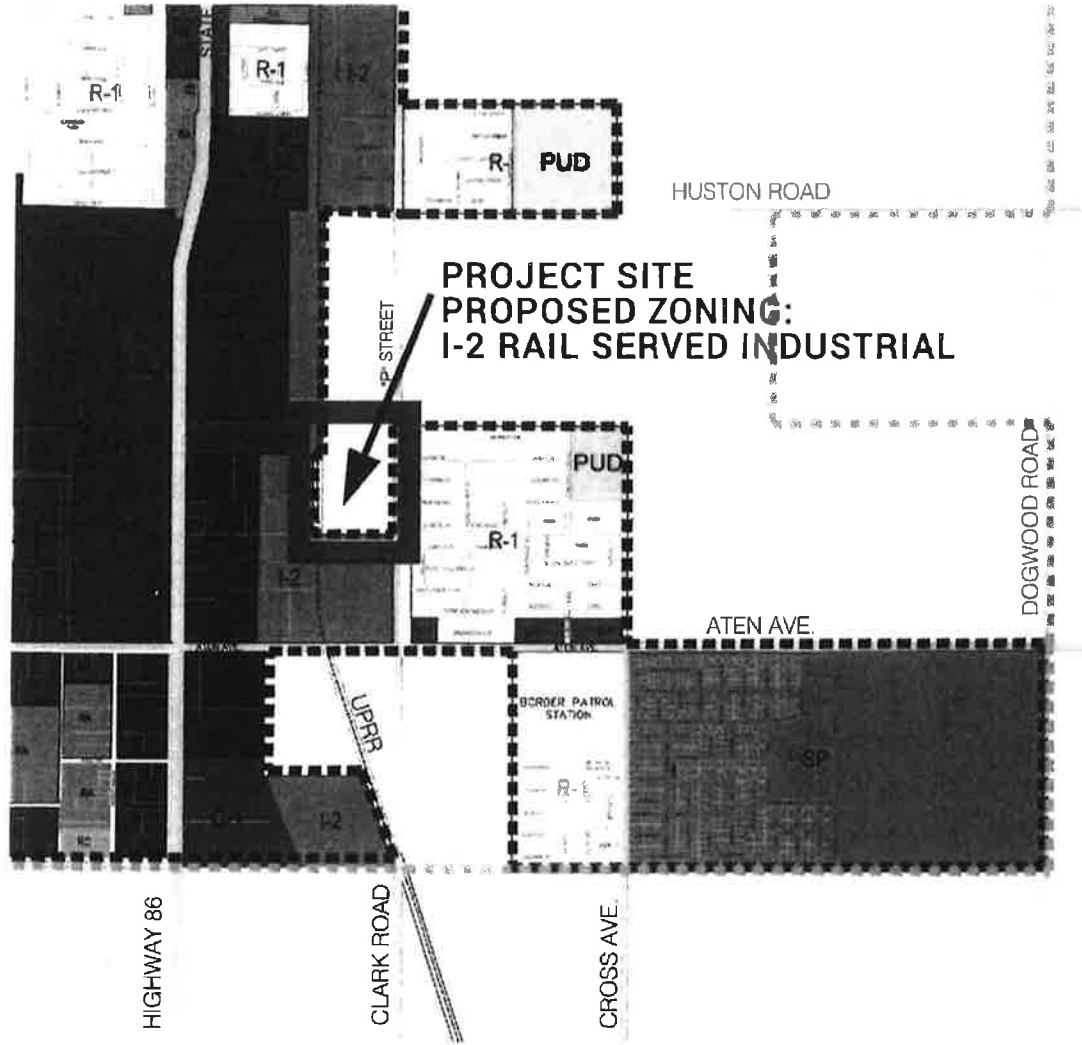
THENCE EASTERLY ALONG SAID NORTH LINE OF TRACT 100, SOUTH 89°59'17" EAST, A DISTANCE OF 890.58 FEET TO THE TRUE POINT OF BEGINNING (TPOB).

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°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 2017, 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:

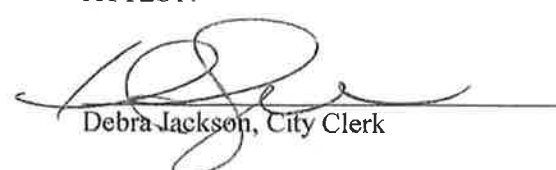
- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby **APPROVES** an amendment of the Conditions of Approval for Resolution No. 2016-06 as outlined in Exhibit A.

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 Coded 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.



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

EXHIBIT "A"

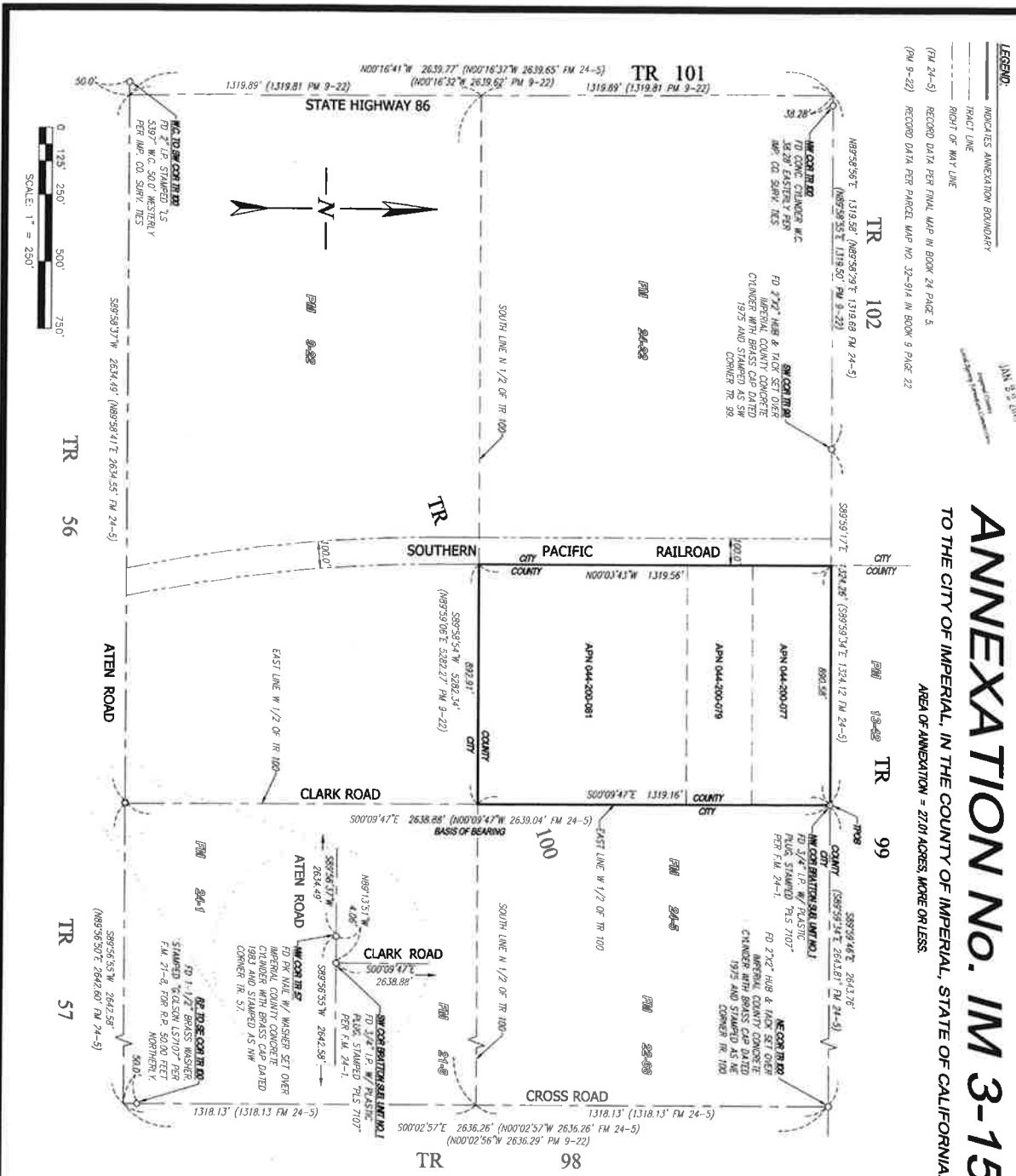
ANNEXATION NO. IM 3-15
TO THE CITY OF IMPERIAL, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA.
AREA OF ANNEXATION = 27.01 ACRES, MORE OR LESS.

SHEET 1 OF 1

RECEIVED
JAN 8 9 2009
Imperial County Planning Department

LEGEND:

- INDICATES ANNEXATION BOUNDARY
- TRACT LINE
- RIGHT OF WAY LINE
- (FM 24-5) RECORD DATA PER FINAL MAP IN BOOK 24 PAGE 5
- (FM 9-22) RECORD DATA PER PARCEL MAP NO. 32-514 IN BOOK 9 PAGE 22



BASIS OF BEARING:
THE BASIS OF BEARING FOR THIS SURVEY IS THE BEARING OF S 00°09'47" E WHICH IS THE BEARING OF THE EAST LINE OF THE WEST HALF OF TRACT 100, ACCORDING TO THE FINAL MAP FOR BRANTON SUBDIVISION UNIT NO. 1, AS RECORDED IN BOOK 24 PAGE 1 OF FINAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER.

SURVEYOR'S STATEMENT:
THIS ANNEXATION PLAN AND DESCRIPTION HERON WAS PREPARED BY ME OR UNDER DIRECT SUPERVISION AND CONFORMANCE WITH THE CALIFORNIA LAND SURVEYORS ACT.

LEGAL DESCRIPTION:
ANNEXATION NO. IM 3-15
THAT PORTION OF THE NORTH HALF OF THE WEST HALF OF TRACT 100, BRANTON SUBDIVISION UNIT NO. 1, ACCORDING TO MAP NO. 32-514 IN BOOK 9 PAGE 22 OF FINAL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, SAID POINT ALSO BEING THE POINT OF BEGINNING (P.O.B.)

VICINITY MAP:
A vicinity map showing the project site's location relative to State Highway 86, Clark Road, Aiken Road, and the Southern Pacific Railroad. Other nearby streets shown include Short Road, Worthington Road, Lathrop Road, and Huston Road.

Dynamic CONSULTING ENGINEERS

DATE: 1-22-19
DIPLOMA: 12/21/2020



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

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

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

Service Description:

RELOCATE POLES TO ALLOW ST
IMPROVEMENTS

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

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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

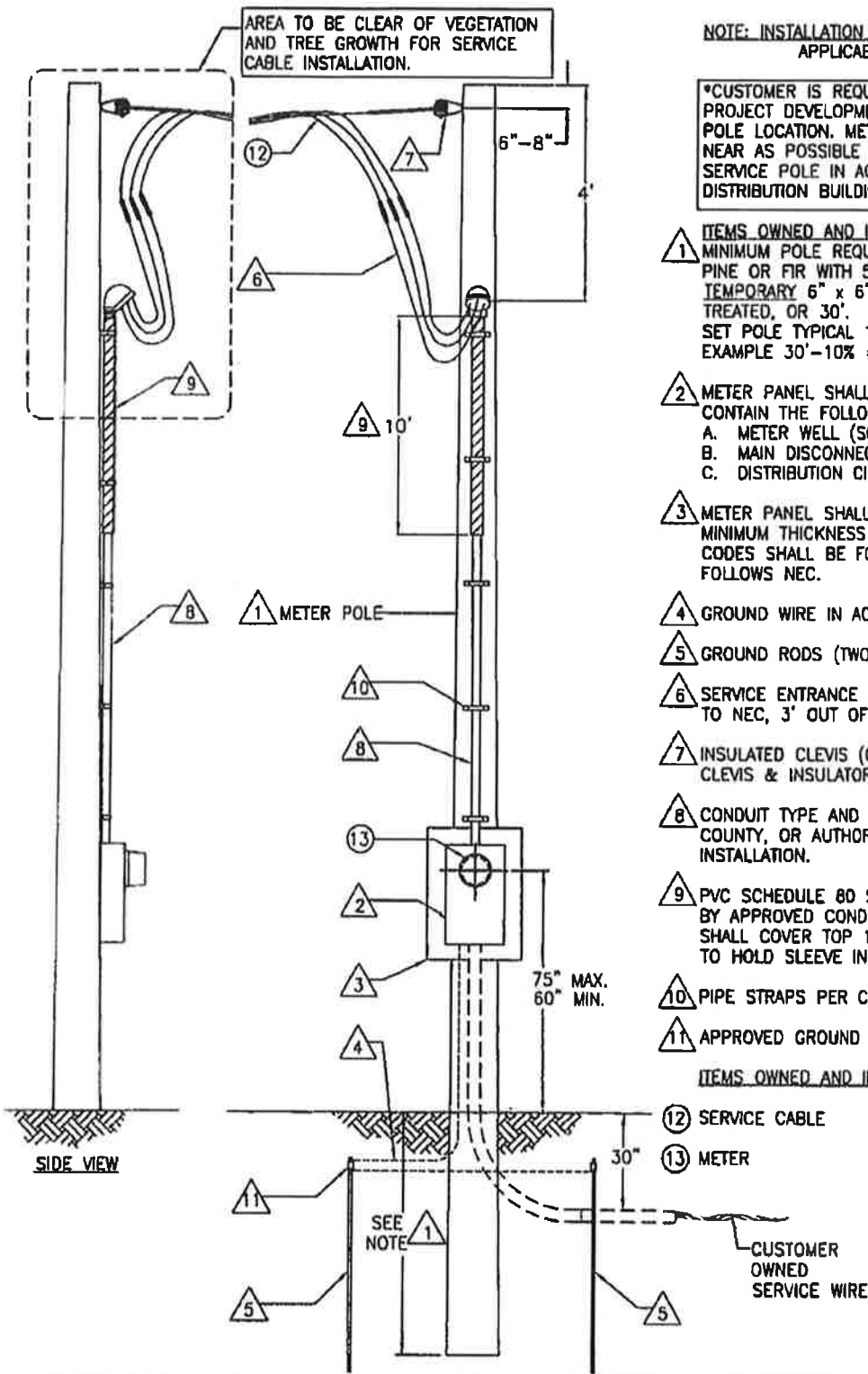
Inicio del mensaje reenviado:

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			CUSTOMER METER POLE
DRAWN BY	<i>JR</i>		SECONDARY RISER AND PANEL DETAIL
REVIEWED	<i>[Signature]</i>		FOR PERMANENT AND TEMPORARY POWER
APPROVED	<i>M5</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:

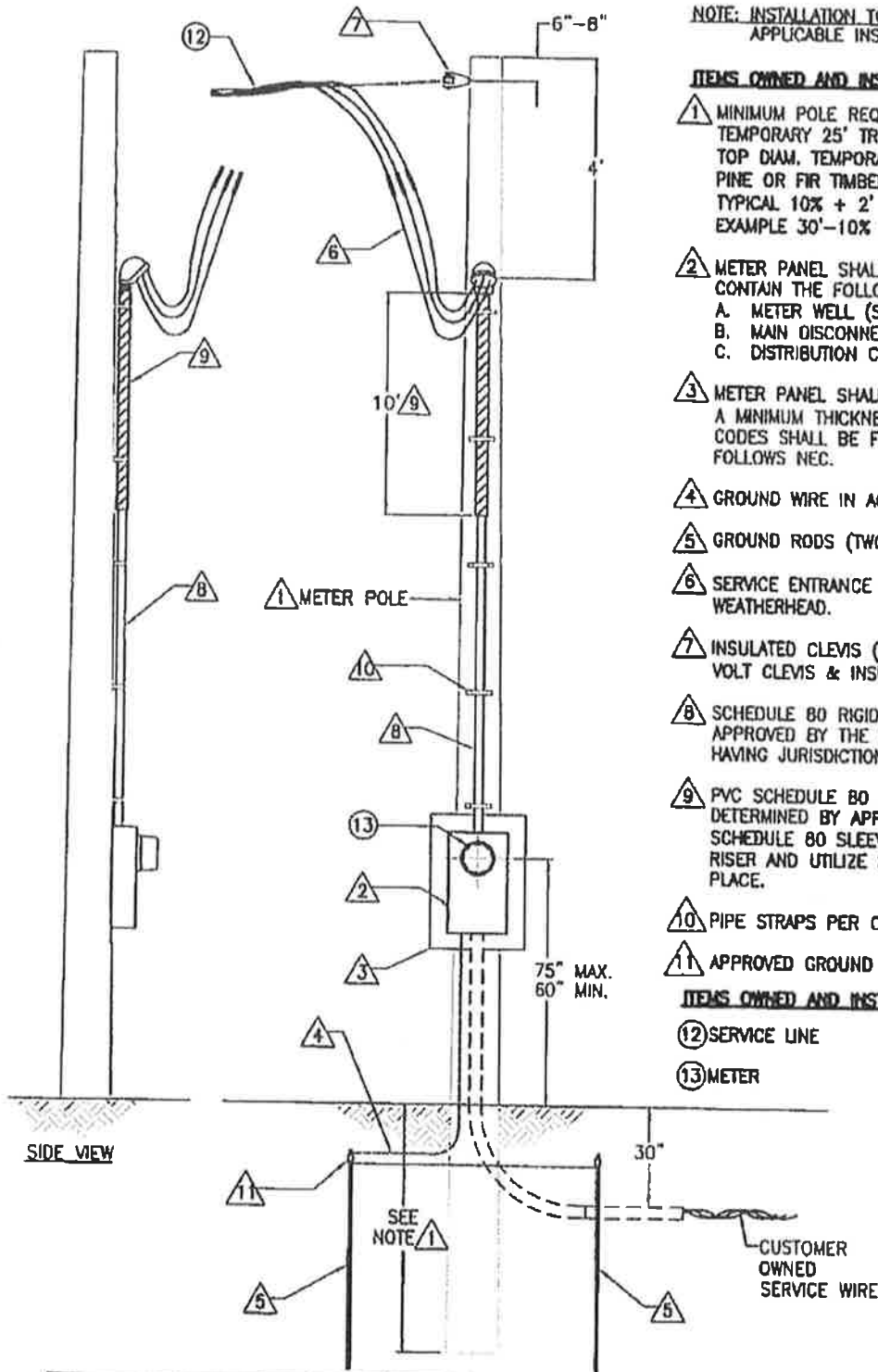
De: "Benitez, Ernesto I" <eibenitez@IID.com>
Fecha: 26 de agosto de 2019, 2:13:48 p. m. PDT
Asunto: CUSTOMR METER POLE DETAIL

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,




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

ITEMS OWNED AND INSTALLED BY THE CUSTOMER

- 1 MINIMUM POLE REQUIREMENTS: PERMANENT OR TEMPORARY 25' TREATED PINE OR FIR WITH 5" MIN. TOP DIAM. TEMPORARY ONLY 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'
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A. METER WELL (SOCKET)
B. MAIN DISCONNECT BREAKER
C. DISTRIBUTION CIRCUIT BREAKERS
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- 7 INSULATED CLEVIS (CUSTOMER RESPONSIBILITY 600 VOLT CLEVIS & INSULATOR.)
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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

DRAWN BY		IMPERIAL IRRIGATION DISTRICT	
DRAWN BY	JR		CUSTOMER METER POLE SECONDARY RISER AND PANEL DETAIL
REVIEWED	JK		
APPROVED	MJ		
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; Jesus Villegas
Subject: Fwd: CUSTOMR METER POLE DETAIL
Attachments: image001.png; ATT00001.htm; image001.png; ATT00002.htm; 001.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

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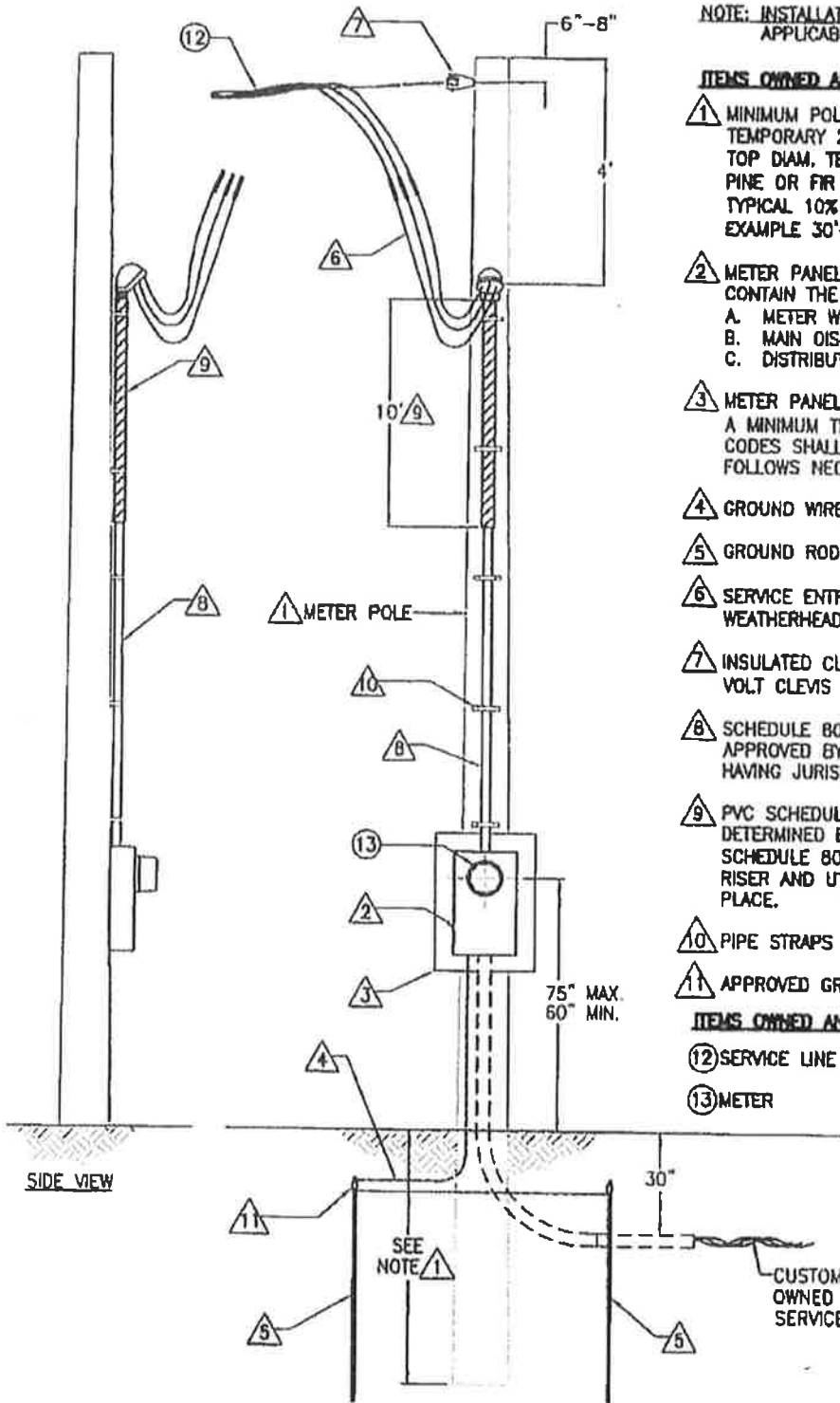
De: "Benitez, Ernesto I" <eibenitez@IID.com>
Fecha: 27 de agosto de 2019, 8:45:19 a. m. PDT
Asunto: FW: CUSTOMR METER POLE DETAIL

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.

ITEMS OWNED AND INSTALLED BY THE CUSTOMER

- 1 MINIMUM POLE REQUIREMENTS: PERMANENT OR TEMPORARY 25' TREATED PINE OR FIR WITH 5" MIN. TOP DIAM. TEMPORARY ONLY 6" x 6" x 25' SAWED PINE OR FIR TIMBER, TREATED, OR 30' SET POLE TYPICAL 10% + 2' OEEP. 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, 3' OUT OF WEATHERHEAD.
- 7 INSULATED CLEVIS (CUSTOMER RESPONSIBILITY 600 VOLT CLEVIS & INSULATOR.)
- 8 SCHEDULE 80 RIGID STEEL CONDUIT 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 RIGID STEEL 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 LINE
- 13 METER

IMPERIAL IRRIGATION DISTRICT			CUSTOMER METER POLE SECONDARY RISER AND PANEL DETAIL									
<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">DRAWN BY</td> <td>JR</td> </tr> <tr> <td>REVIEWED</td> <td>CU</td> </tr> <tr> <td>APPROVED</td> <td>MS</td> </tr> <tr> <td>REVISION</td> <td>REV 1</td> </tr> <tr> <td>DATE</td> <td>12-02-13</td> </tr> </table>	DRAWN BY			JR	REVIEWED	CU	APPROVED	MS	REVISION	REV 1	DATE	12-02-13
DRAWN BY	JR											
REVIEWED	CU											
APPROVED	MS											
REVISION	REV 1											
DATE	12-02-13											

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.iiid.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



DATE: September 03, 2019

BUSINESS PARTNER # 3463483

SERVICE NOTIFICATION # 4027897

STAR RAIN LLC
253 W HORNE RD
EL CENTRO CA 92243

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

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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, 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



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

On Sep 10, 2019, at 7:23 AM, Terry Robertson II <deuce@radcoinc.net> wrote:

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Regards,

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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



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Regards,

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Safety Manger

Star Rain LLC / TO Logistics INC

M. (956) 532-0569

safety@starrainllc.com

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Hey Mauricio

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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

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, 1:39:31 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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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

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: 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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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



**615A US HWY 111
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 Radeo 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:

De: 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 <ecmng@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

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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:

Dc: 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 <ecmngr@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
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Cell: (760) 457-6087**

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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



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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



Dated: 01/21/20

7114 7389 6621 3703 3975

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

1 - You are hereby notified that

RADCO INC
615A S HWY 111
BRAWLEY CA 92227

Reputed Construction Lender or Lessee

OWNER FINANCED

2 - Has furnished or will furnish labor, services, equipment, or materials of the following general description:

WET UTILITIES MATERIALS
LABOR TO INSTALL

Reputed Direct Contractor

RADCO INC
615A S HWY 111
BRAWLEY CA 92227

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

Date: 01/21/20

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:

**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
erial 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 public 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 ti
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 Con
ditional Use Permit will be final. The project has an existing certified Negative Declaration under the C
ifornia 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 kn
more about the proposed project prior to the public hearing, please contact Lisa Tylenda, Plann
(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

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