



**BAKERSFIELD CITY COUNCIL
MINUTES
MEETING OF JUNE 25, 2008**

Council Chambers, City Hall, 1501 Truxtun Avenue
Regular Meeting 5:15 and 6:30 p.m.

REGULAR MEETING – 5:15 p.m.

ACTION TAKEN

1. ROLL CALL

Present: Mayor Hall, Vice-Mayor Hanson,
Councilmembers Carson, Benham, Weir,
Sullivan, Scrivner

Absent: Councilmember Couch

2. PUBLIC STATEMENTS

None.

3. WORKSHOPS

None.

4. CLOSED SESSION

a. Conference with Legal Counsel – Existing Litigation;
Closed Session pursuant to subdivision (a) of
Government Code Section 54956.9 (One case).

1. City v. North Kern Water Storage District, et
al Kern County Superior Court Case No.
S-1500-CV-260360-AEW Tulare County
Superior Court Case No. 224933

b. Conference with Labor Negotiator pursuant to
Government Code Section 54957.6

c. Conference with Legal Counsel – Potential
Litigation; Closed Session pursuant to
subdivision (b)(1)(3)(A) of Government Code
Section 54956.9

***Motion by Vice-Mayor Hanson to adjourn to Closed
Session at 5:17 p.m.***

**APPROVED
ABS COUCH**

***Motion by Councilmember Weir to adjourn from Closed
Session at 6:14 p.m.***

**APPROVED
ABS COUCH**

RECONVENED MEETING approximately 6:38 p.m.**ACTION TAKEN****5. ROLL CALL**

Present: Mayor Hall, Vice-Mayor Hanson,
Councilmembers Carson, Benham, Weir,
Couch (seated at 7:12 p.m.), Sullivan,
Scrivner

Absent: None.

6. INVOCATION by Reverend Paul Hocker.**7. PLEDGE OF ALLEGIANCE** by Eden Helston, 2nd grade student at Stockdale Christian.**8. CLOSED SESSION ACTION**

- a. Conference with Legal Counsel – Existing Litigation; Closed Session pursuant to subdivision (a) of Government Code Section 54956.9 (One case).

1. City v. North Kern Water Storage District, et al Kern County Superior Court Case No. S-1500-CV-260360-AEW Tulare County Superior Court Case No. 224933

**STAFF GIVEN
DIRECTION**

- b. Conference with Labor Negotiator pursuant to Government Code Section 54957.6

**NO REPORTABLE
ACTION**

- c. Conference with Legal Counsel – Potential Litigation; Closed Session pursuant to subdivision (b)(1)(3)(A) of Government Code Section 54956.9

**NO REPORTABLE
ACTION**

9. PRESENTATIONS

- a. Presentation by Mayor Hall of Proclamation to Dianne Hoover, Recreation and Parks Director, City of Bakersfield, proclaiming July, 2008 as "Recreation and Parks Month".

Dianne Hoover accepted the Proclamation, made comments and provided written material.

Mayor Hall announced that members of the Accreditation Team from the National Recreation and Parks Association is in Bakersfield to evaluate the City's Recreation and Parks Department, and introduced the Team members: Bert Neil from Louisiana, Beth Zeidman, from Maryland, and Jim Pryor, Team Leader, from North Carolina.

ACTION TAKEN**9. PRESENTATIONS continued**

Item 9.a. continued

Mr. Neal spoke and commended the Bakersfield Recreation and Parks Department and its facilities.

- b. Presentation by Mayor Hall of Certificates to Number 1 ranked graduates in the Kern High School District.

Mayor Hall was joined by Councilmember Sullivan for this presentation, and recognized the following students and presented them with certificates:

- Estephani Garcia – Arvin High School
- Brandt Champion, Aaron Dobie, Melissa Morris, Kari Storslett, Miles Van Kopp – Bakersfield High School
- Courtney Nicholas (not present) – Centennial High School
- Sebastien Bauge – East Bakersfield High School
- Geoffrey Becker, David Heisler, Alexandra Jones (not present), Ariana Quinonez (not present), Jessica Santillan, Sarah Schale (not present) – Foothill High School
- Gabriel Guimte, Christian Perez – Golden Valley High School
- Joshua Chamberlain, Austin Stapley – Highland High School
- Rachel Beckham – Kern Valley High School
- West Cohan (not present), James Creech, Paul Drazin, Kelly Gerhold (not present), Sydney Jackopin (not present), Jacob Johnston, Peter Kelly (not present), Erik Pennell, Rachel Smith (not present), Alan Tubbs (not present), Andrew Tubbs (not present), Lauren Waggoner, John Watson (not present), Stephanie Westbrook, Eddie Zeng – Liberty High School
- Joshua Fisher (not present), Marlana Gaugel, Anaheed Heydari, Sarah Higgins, Nicholas Orton – North High School
- Ryan Raynes (not present) – Ridgeview High School
- Laura Arnold (not present), Katie Bloemhof, Anna Polley (not present) – Shafter High School
- Jesus Rodriguez (not present) – South High School

9. **PRESENTATIONS** continued
Item 9.b. continued

ACTION TAKEN

- Kseniya Astakhova, Brant Bonetti (not present), Melissa Couch, Brianna Curtis, Jennifer Hamilton (not present), Justin Koh (not present), Carolyn Oran, Shreyas Srinivas, Laura Stearns (not present), Bhavana Venkataram – Stockdale High School
- Tesfatsion Habebo – West High School

Recess taken from 7:01 p.m. to 7:07 p.m.

10. **PUBLIC STATEMENTS**

- a. Greg Bell spoke regarding the crime problem in Bakersfield.

Mayor Hall responded to Mr. Bell's comments and encouraged him to take advantage of the City's Neighborhood Watch Program.

Vice-Mayor Hanson suggested Mr. Bell speak to Assistant Chief Lynn.

- b. Audrey Chavez thanked Mayor Hall and the City Council for the "AIDS Compassion Week" Proclamation and provided a video and ribbons.
- c. Stephany Bradley spoke regarding the Bakersfield AIDS Project and AIDS Compassion Week activities

11. **APPOINTMENTS**

None.

12. **CONSENT CALENDAR**

Minutes:

- a. Approval of minutes of the June 11, 2008 Regular City Council Meeting.

Payments:

- b. Approval of department payments from May 30, 2008 to June 12, 2008 in the amount of \$23,631,124.19 and self-insurance payments from May 30, 2008 to June 12, 2008 in the amount of \$225,967.29.

AB WEIR

12. **CONSENT CALENDAR** continued

ACTION TAKEN

Ordinances:

ORD 4516

- c. Adoption of Ordinance amending Title 17 (Zone Map No. 124-29) of the Municipal Code by changing the zoning from R-3 (Limited Multiple Family Dwelling) to C-2 (Regional Commercial) on 0.63 acre located on the east side of South Union Avenue, approximately 500 feet south of East Panama Lane (ZC 08-0102 – Mark Sandoval representing Matthew Mark and Partners, LP and RHPDB LLC).

ORD 4517

- d. Adoption of Ordinance approving a Negative Declaration and amending Title 17 (Zone Map No. 123-37) of the Municipal Code by changing the zoning from R-1 (One-Family Dwelling) to M-1 (Light Manufacturing) on 1.79 acres generally located on the northeast corner of McCutchen Road and Ashe Road (Applicant: Summit Engineering representing Old River Land Company) (ZC 08-0179)

REMOVED FOR SEPARATE CONSIDERATION

- e. Adoption of Ordinance amending Section 2.28.030 of the Municipal Code relating to Planning Commission – Creation – Members, incorporating only the technical changes relating to dates for future appointments of Planning Commissioners.

Resolutions:

RES 097-08

- f. Resolution approving application proposing proceedings for annexation of uninhabited territory to the City identified as Annexation No. 580 consisting of 1.20 acres, located on the north side of Elcia Drive, between State Highway 99 and South Real Road.

RES 098-08

- g. Resolution calling and giving notice of holding a General Municipal Election for the election of Councilmembers for Wards 2, 5 & 6, and requesting consolidation with the County of Kern State-wide General Election to be held on Tuesday, November 4, 2008.

RES 099-08

- h. Resolution ordering the summary vacation of the 45-foot Right-of-Way Easement for Quantico Avenue, South of Brundage Lane.

12. CONSENT CALENDAR continued	<u>ACTION TAKEN</u>
i. Resolution confirming approval by the Assistant City Manager of the Chief Code Enforcement Officer's report regarding assessments of certain properties in the City for which dangerous buildings have been demolished and authorize collection of the assessments by the Kern County Tax Collector.	RES 100-08
j. Resolution confirming approval by the Assistant City Manager of the Chief Code Enforcement Officer's report regarding assessments of certain properties in the City for which structures have been secured against entry or for the abatement of certain weeds, debris and waste matter and authorize collection of the assessments by the Kern County Tax Collector.	RES 101-08
Agreements:	
k. Agreement with The Segal Company (not to exceed \$80,000 in 2008-09, \$83,250 in 2009-10 and \$87,000 in 2010-11) for Health Care Consulting.	AGR 08-104
l. Agreement with ComplIQ (not to exceed \$150,000 for a 12 month period to be paid from the Self-Insurance Fund) for workers' compensation bill review services.	AGR 08-105
m. Westside Parkway – Mohawk Street Separation of Grade	
1. Construction and Maintenance (C&M) Agreement with Burlington Northern and Santa Fe Railway Company (\$87,150) for the construction of the Mohawk Street Separation of Grade.	AGR 08-106
2. Easement Agreement with Burlington Northern and Santa Fe Railway Company (\$47,270) for the Mohawk Street Separation of Grade.	DEED 6877
n. Westside Parkway and Cross Valley Canal	
1. Utility Agreement with Kern County Water Agency (\$2,000,000) to mitigate utility conflict with the Cross Valley Canal (CVC) in preparation for the construction of Mohawk Street and Westside Parkway.	AGR 08-107

12. CONSENT CALENDAR continued
Item 12.n. continued

ACTION TAKEN

- 2. License Agreement with Kern County Water Agency for the City to construct, maintain, and operate the Westside Parkway and Mohawk Street roadways at the CVC. **AGR 08-108**
- o. Agreement with A & A Land Company, LLC (\$85,900) to purchase real property located on the east side of Mohawk Street south of Rosedale Highway and north of the BNSF railroad for the Westside Parkway. **AGR 08-109
DEED 6879**
- p. Agreement between City, State of California Department of Public Health and the U.S. Department of Housing and Urban Development (\$323,000) in Housing Opportunities for persons with HIV/AIDS Entitlement Program. **AGR 08-111**
- q. Agreement with Rossetti Associates Incorporated (El Segundo) (\$85,000) for providing design services for the Grape Room Renovation at the Rabobank Arena/Convention Center. **AGR 08-112**
- r. Assignment of Ground Lease Agreement 08-071 with T & R Brown Properties, LLC (\$40 monthly) at the Bakersfield Municipal Airport for hangar space B-e44. **AGR 08-113**
- s. Amendment No. 1 to Ground Lease Agreement 03-015 with John Morehouse (\$40 monthly) at the Bakersfield Municipal Airport for hangar space A-5. **AGR 03-015(1)**
- t. Amendment No. 1 to Ground Lease Agreement 03-016 with Kurt Sickles (\$40 monthly) at the Bakersfield Municipal Airport for hangar space A-3. **AGR 03-016(1)**
- u. Metropolitan Bakersfield General Plan Update
 - 1. Amendment No. 1 to Agreement No. 07-107 with Northcutt and Associates (\$50,000) for coordinating the update to the plan. **AGR 07-107(1)**
 - 2. Amendment No. 1 to Agreement No. 07-320 with County of Kern (\$25,000) for sharing cost of consultant services of Northcutt and Associates to update the plan. **AGR 07-320(1)**

- 12. CONSENT CALENDAR** continued **ACTION TAKEN**
- v. Amendment No. 2 to Agreement 07-304 with Security Paving Company, Inc. (\$200,000) for supplemental work required for the construction of State Route 178 (SR-178) and Fairfax Road Interchange Project. ***AGR 07-304(2)***
- w. Outside Legal Services
1. Amendment No. 1 to Agreement No. 07-100 with Duane Morris, LLP (additional \$150,000 not to exceed \$400,000) for outside legal services regarding City v. City of Shafter, Oildale Mutual Water Company and North Kern Water Storage District, et al. ***AGR 07-100(1)***
2. Attorney Retainer Agreement with Duane Morris, LLP (amount not to exceed \$150,000) for outside legal services State Water Resources Control Board, Reference No. KMB:A31674. ***AGR 08-114***
- x. Amendment No. 1 to Agreement 03-152 with Metropolitan Recycling Corporation (MRC) (compensation of \$4.66 per month, \$55.92 per year, for each subscriber to the program served by the contractor) for Collection of Recyclables. ***AGR 03-152(1)***
- y. Contract Change Order No. 1 to Agreement No. 08-039 with V Lopez and Sons, Inc. (\$35,835.15 for a revised not to exceed amount of \$815,644.45) for streetscape and storm drain improvements at the intersection of 19th and Eye Street. ***AGR 08-039
CCO 1***
- Bids:**
- z. Construction of Beach Park Skate Park Expansion Project
1. Accept bid and award contract to Grindline Skateparks, Inc. (\$159,264.79) for construction of project. ***AGR 08-115***
2. Transfer \$40,000 from Recreation and Parks Capital Improvement Project (Beach Park Tank and Pump) to the Capital Improvement Budget within the Capital Outlay Fund.

ACTION TAKEN**12. CONSENT CALENDAR** continued
Item 12.z. continued

3. Accept and appropriate \$10,000 donation from Kiewit Construction to the Recreation and Parks Capital Improvement Budget within the Capital Outlay Fund for this project.
- aa. Accept bid and award contract to Contra Costa Electric (\$155,455) for installation of emergency standby generators for Fire Stations 4 and 6. **AGR 08-116**
- bb. Accept bid and award contract to A-C Electric Company (\$298,095) for the construction of traffic signals & lighting for Mill Creek Linear Park at 19th & 21st Streets. **AGR 08-117
ABS COUCH**
- cc. Accept bid and award contract to Bronco Electric (\$66,900) for the construction of the Electrical Distribution System – Mill Creek Linear Park. **AGR 08-118
ABS COUCH**
- dd. Accept bid and award contract to D. Reese Construction (\$99,248) for the construction of the Pedestrian Bridge Covering at Mill Creek Linear Park. **AGR 08-119
ABS COUCH**
- ee. Accept bid and award contract to Western Farm Service, Inc. (\$432,125.38) for the annual contract for chemical insecticides/herbicides. **AGR 08-120**
- ff. Accept bid and award contract to Tri Power Systems (\$49,148) for emergency generator for Kelso Peak Communications site. **AGR 08-121**
- gg. Accept bid and award annual contract to PBC SolutionOne, Inc. (\$47,740) for the Janitorial Maintenance for City Hall North for the Public Works Department. **AGR 08-122**
- hh. Accept bid from CDW-G, Incorporated (\$771,325.80) for 211 replacement toughbook laptop computers for the Police Department.
- ii. Accept bid from Bakersfield Truck Center (\$663,964.84) for two (2) replacement combination jet rodder trucks for the Public Works Department Street Division.

12. CONSENT CALENDAR continued**ACTION TAKEN**

- jj. Accept bid from Bakersfield Truck Center (\$275,250.41) for one additional LNG powered four axle front-loading automated refuse truck for the Public Works Department Solid Waste Division.
- kk. Accept bid from Jeskell, Inc. (\$259,026.21) for a server room infrastructure upgrade.
- ll. Accept bid from GCS Western Power & Equipment, Inc. (\$87,825.15) for one additional truck mounted parking lot sweeper for the Public Works Department Streets Division.

**REMOVED BY
STAFF****Miscellaneous:**

- mm. Revised job specifications for Fleet Service Worker I and Fleet Service Worker II.
- nn. Revised job specification for Fleet Mechanic I.
- oo. Miscellaneous Appropriations
 - 1. Appropriate \$350,000 Sewer Enterprise Fund balance (Wastewater Treatment Plant No. 3) to the Public Works Department's Operating Budget for increased chemical costs associated with odor control for sewer lift stations.
 - 2. Appropriate \$150,000 additional revenue to the Public Works Department's operating budget within the Equipment Management Fund for increased costs associated with maintaining fleet equipment.
- pp. Appropriate \$300,000 Fund Balance and \$190,000 additional Water Revenue within the Agricultural Water Fund to augment the 2800 Acre Banking Program.
- qq. Appropriate \$10,000 Fire Trust, Hazmat Penalty account to the Fire Department's Operating Budget within the General Fund for San Joaquin Air Pollution Control District settlement.
- rr. Appropriate \$227,000 from Office of Emergency Services and USDA Forest Service to the General Fund Fire Department Operating Budget for overtime costs incurred at mutual aid assignments.

12. CONSENT CALENDAR continued

ACTION TAKEN

City Clerk McCarthy announced the removal at staff's request of item 12.jj., and that staff distributed a "revised" Utility Agreement & License Agreement for item 12.n.

Vice-Mayor Hanson asked if the Council had any issues to bring before this body.

Councilmember Weir announced he would abstain due to conflict of interest, source of income, on item 12.b., and requested the removal of item 12.e. for separate consideration.

Councilmember Couch announced he would abstain due to conflict of interest, potential source of income to himself and to his employer, on items 12.bb., 12.cc. and 12.dd.

Motion by Vice-Mayor Hanson to approve Consent Calendar items 12.a. through 12.rr., with the removal of item 12.e. for separate consideration.

APPROVED

e. Adoption of Ordinance amending Section 2.28.030 of the Municipal Code relating to Planning Commission – Creation – Members, incorporating only the technical changes relating to dates for future appointments of Planning Commissioners.

Motion by Vice-Mayor Hanson to approve Consent Calendar item 12.e.

**APPROVED
NS WEIR**

13. CONSENT CALENDAR HEARINGS

None.

14. HEARINGS

a. **Public Hearing to consider Resolution approving and adopting an adjusted fee for the development and improvement of parks within the City of Bakersfield (proposed 3.53% increase based upon Construction Cost Index).**

RES 102-08

Assistant Public Works Director Underwood made staff comments.

Hearing opened at 7:25 p.m.

No one spoke.

14. **HEARINGS continued**
Item 14.a. continued

ACTION TAKEN

Hearing closed at 7:25 p.m.

Motion by Vice-Mayor Hanson to adopt the Resolution.

APPROVED

b. Public Hearing to consider Resolution to authorize the Bakersfield Redevelopment Agency to sell real property located at 701 Union Avenue for \$1.00 to AMCAL Multi-Housing, Inc., for the development of 55 affordable multi-family apartments and 3,000 square feet of commercial/retail space.

1. Resolution approving the sale of real property located at 701 Union Avenue by the Bakersfield Redevelopment Agency to AMCAL Multi-Housing, Inc. for \$1.00.

RES 103-08

2. Agreement with AMCAL Santa Fe Funds, L.P., (not to exceed \$2,000,000) for HOME Investment Partnership (HOME) funds for the construction and development of approximately 3,000 square feet of commercial/retail space and 55 affordable multi-family units at 701 Union Avenue to be known as Santa Fe Apartments.

**AGR 08-123
DEED 6878**

Economic Development Director Kunz made staff comments.

Assistant Economic Development Director Barnhard gave an overview of the project.

Hearing opened at 7:33 p.m.

Marvin Dean spoke and encouraged the use of local developers as co-developers on these type projects.

Hearing closed at 7:41 p.m.

Councilmember Carson stated that she recognized Mr. Dean's concerns.

Motion by Councilmember Carson to adopt the Resolution, approve the transfer and approve the agreement.

APPROVED

15. **REPORTS**

None.

Mayor Hall recognized Patrick Crawley and David Hamilton from Boy Scout Troop 484, and Nick Stringer from Boy Scout Troop 47, as well as students in attendance.

ACTION TAKEN

16. DEFERRED BUSINESS

a. Fiscal Year 2008-09 Budget

- 1. Resolution approving and adopting the City of Bakersfield Operating and Capital Improvement Budget. **RES 104-08**
- 2. Resolution approving and adopting the Operating and Capital Improvement Budget for the Bakersfield Redevelopment Agency. **RES 105-08**
- 3. Resolution establishing the City of Bakersfield appropriations limit. **RES 106-08**

Assistant City Manager Stinson made staff comments and recommended approval of the budget.

Motion by Councilmember Carson to appropriate \$200,000 from the park development fund balance and transfer \$150,000 from the future fire station project in the capital outlay fund, for a total of \$350,000, to fund a wet playground at Saunders Park in Fiscal Year 2008-09 as a capital improvement. **APPROVED**

Vice- Mayor Hanson congratulated staff and the City Council for doing a good job on the budget.

Motion by Vice-Mayor Hanson to approve the Resolutions adopting the City's Operating and Capital Improvement Budget, Bakersfield Redevelopment Agency Operating and Capital Improvement Budget and establishing the City's appropriations limit. **APPROVED**

Councilmember Couch asked staff, if possible, to restore the \$200,000 to the future fire station fund, and bring it to Council's attention, when that is able to be done.

17. NEW BUSINESS

a. Adoption of pilot program for Dog License Survey.

City Clerk McCarthy announced staff received correspondence regarding this item which has been provided to City Council.

17. **NEW BUSINESS continued**
Item 17.a. continue

ACTION TAKEN

Administrative Analyst Teglia provided an overview of this item.

Motion by Councilmember Benham to adopt the program and directed staff to provide follow-up reports to the City Council so it can evaluate the success of the program.

APPROVED

Councilmember Scrivner asked staff, in three months, to analyze the ability to use a percentage of the licensing fees received to offer low cost spay/neuter for low income residents.

In response to a question from Councilmember Sullivan, Animal Control Supervisor Davis provided information on the bi-weekly clinics.

18. **COUNCIL AND MAYOR STATEMENTS**

Councilmember Benham thanked staff for the excellent job regarding the railroad horn issue and provided a letter.

Councilmember Benham wished everyone a safe and happy Fourth of July.

Councilmember Weir encouraged anyone interested in participating in the public/private partnership of installing a dog watering fountain in the University Park dog run to contact him.

Councilmember Carson thanked the City Council for its support of Saunders Park.

Councilmember Carson advised she received a letter from the Kern County Aging and Adult Services regarding the cooling centers in the area during the upcoming hot days and the offer of free rides through Kern Regional Transit by calling 800-510-2020 and ask for Information and Referral.

Councilmember Carson wished everyone a happy Fourth of July.

Councilmember Scrivner thanked staff for their participation in the Ward 7 neighborhood meeting which took place earlier in the week, and advised there will be another meeting on Saturday, June 28th, from 10:00 a.m. to Noon, at Berkshire School.

18. **COUNCIL AND MAYOR STATEMENTS continued**

ACTION TAKEN

Councilmember Scrivner made an announcement that Councilmember Sullivan will be getting married on July 5th.

Councilmember Sullivan stated she is really looking forward to this new chapter in her life and thanked Councilmember Scrivner for making the announcement.

Councilmember Couch offered his congratulations to Councilmember Sullivan.

Councilmember Couch thanked staff for the way they conducted themselves during the Kimberly #1 and Hooper #1 process and through the LAFCO process.

Councilmember Couch stated there is going to be a protest hearing within the next 60 days on these proposed annexations, and if 25% of the people in either of those areas decide they don't want to be part of the City, it will be forced to go to a mail ballot, and if 50% of them decide they don't want to be part of it, then the action will be stopped.

Councilmember Couch encouraged staff to provide as much information that is needed to the residents during this process.

Councilmember Couch asked staff to clarify whether or not the residents would have to hook up to the sewer line if the septic system fails. City Manager Tandy responded.

Councilmember Carson congratulated Economic Development Department staff for a job well done Saturday at Community First Church during a community meeting regarding the Southeast and Filson targeted area for an uplift.

Councilmember Sullivan referred the Grissom Park area to staff regarding abandoned cars in the street and driveways, dogs running unleashed and to include that area in the pilot program for licensing, and yards not kept up to City standards.

Councilmember Sullivan reminded everyone about the upcoming last concert at Beale Park and the park's 100-year celebration.

Councilmember Sullivan wished everyone a great Fourth of July.

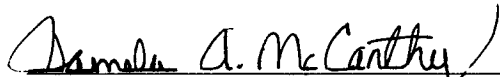
19. ADJOURNMENT

ACTION TAKEN

Mayor Hall adjourned the meeting at 8:12 p.m.


MAYOR of the City of Bakersfield, CA

ATTEST:


CITY CLERK and Ex Officio Clerk of
the Council of the City of Bakersfield