



October 26, 2012

**TO:** Honorable Mayor and City Council

**FROM:** Alan Tandy, City Manager *AT*/ch

**SUBJECT:** General Information

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### Miscellaneous News

- At this week's California Transportation Commission meeting the commissioners voted to create a reserve account for the Highway 99 Bond Projects that have been approved for construction to date. Creating this reserve account severely hinders our ability to access funds that would otherwise have been potentially available to construct the Hosking Interchange Project. Staff will continue to explore all funding sources for this project; however the CTC action puts a substantial, immediate funding roadblock in our way.
- A big thank you is in store to Gary Chambers from Ace Hydraulic who graciously donated funds to replace the aging exercise equipment along Truxtun Extension. The unveiling of the new equipment will take place on Monday, October 29<sup>th</sup> at 3:00 p.m. Please see the enclosed news release.
- Bakersfield played host to many visitors during the past few days. Local hotels were busy this past weekend with the 21st Annual Hot Rod Reunion held at Auto Club Famoso Raceway, which once again attracted visitors from all over the country. Earlier this week, San Joaquin Community Hospital hosted the annual NEXUS Marketing Conference for Adventist Health's Western Region. Not only was this the first time the conference had been held in Bakersfield, it had the largest number of attendees in the history of the event. According to SJCH staff, they "got tons of positive comments saying this was the best ever." The Bakersfield Convention and Visitors Bureau assisted SJCH in developing the proposal presented to Adventist Health to bring this conference to Bakersfield.

### TRIP News

- ☞ Motorists are advised to anticipate nighttime lane closures (9 p.m. to 6 a.m.) on Coffee Road, beginning Wednesday, October 31, 2012. Starting Wednesday, the contractor will alternately close one of the northbound lanes on Coffee Road (the outside lanes of Coffee Road remain under a 24-hour closure) between Brimhall Road and Truxtun Avenue to complete median work. One northbound lane will remain open to traffic at all times while work is underway. Starting

Thursday night, the current outside northbound lane of Coffee Road between Brimhall Road and Truxtun Avenue will be closed. The closure will allow the contractor to install a storm drain and complete underground work. The inside northbound lane will remain open to traffic while work is underway. Both southbound lanes will remain open. All lanes are expected to reopen in time for the morning commute. Work is expected to take a couple of weeks to complete.

### Event Information

- ✓ Bakersfield Condors Hockey  
October 26 & 27<sup>th</sup> at 7 p.m.  
Rabobank Arena  
[Tickets: \\$8-\\$30](#)
- ✓ Professional Bull Riders: Touring Pro  
Division  
November 2 & 3 at 8 p.m.  
Rabobank Arena  
[Tickets: \\$10-\\$60](#)

### Council Referrals

- ⌘ Councilmember Johnson:
  - Bike Lanes on Wible, from Panama to Planz – Follow Up
- ⌘ Vice Mayor Couch:
  - Contractors' Payroll Reports

### Reports

For your information, we enclose the following information:

- The Streets Division work schedule for the week of October 29, 2012; and
- A letter from Bright House Networks regarding changes to its programming.

AT:rs:ch

cc: *Department Heads*  
*Roberta Gafford, City Clerk*



DIANNE HOOVER, DIRECTOR

## MEDIA ALERT

**FOR IMMEDIATE RELEASE:**  
**October 26, 2012**

**CONTACT: Dianne Hoover**  
**661.326.3866**

### **New Outdoor Fitness Area Opens at Kern River Parkway**

Please join Councilmember Sue Benham in opening the new outdoor fitness equipment on the north side of Truxtun Avenue, along the Kern River Parkway east of Commercial Way.

The new fitness equipment was donated by Mr. Gary Chambers of ACE HYDRAULIC Sales and Service, Inc. Councilmember Sue Benham introduced him to Dianne Hoover, Director of the Department of Recreation and Parks, where he presented his willingness to upgrade the existing fitness equipment located at various stations. Mr. Chambers donated over \$12,600 and even visited the factory where the equipment is made in Grover Beach, CA. The original fitness stations were donated to the city over twenty years ago, so they were in need of replacement.

The new equipment is supplied by TriActive America, an affiliate of GameTime Play equipment. Each piece of equipment work different muscle groups at 11 exercise stations. Proper use of all the stations provides a full body workout. The adjacent Kern River Parkway Trail allows bicyclists, runners and walkers to take advantage of the equipment at their own pace.

During the opening ceremonies, local fitness instructor Aaron Gillies will demonstrate the proper use of the equipment, along with the recommended sequence of use for maximum results.

**When: Monday October 29, 2012 at 3:00 p.m.**

**Location: Kern River Parkway**  
(Entrance to the parking lot is on Truxtun Extension, just east of Commercial Way – east of Mohawk)

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**CITY OF BAKERSFIELD  
PUBLIC WORKS DEPARTMENT  
MEMORANDUM**

**TO: Alan Tandy, City Manager**

**FROM: Raul Rojas, Public Works Director**

**DATE: October 25, 2012**

**SUBJECT: BIKE LANES ON WIBLE, FROM PANAMA TO PLANZ  
Referral No. 317**

**COUNCILMEMBER JOHNSON REQUESTED THAT STAFF LOOK AT PAINTING BIKE LANES ON WIBLE ROAD, BETWEEN PANAMA LANE AND PLANZ ROAD.**

**FOLLOW UP TO ORIGINAL RESPONSE ON JUNE 1, 2012.**

Traffic Engineering has reviewed Wible Road from Panama to Planz to see how the parking areas are currently being utilized and if parking can be removed so the bike lane can be striped in its ultimate location. Regarding:

- 1) Panama to Harris: Parking was never allowed and there is existing striped bike lane on both sides of the street.
- 2) Harris to Pacheco Rd: The parking area is not being used and can be removed for the installation of bike lane.
- 3) Pacheco Rd to White Lane: The parking area, along the east side, is currently being used by the Automall and other existing businesses that have traditionally had the on street parking.
- 4) White Lane to Planz Rd: The parking area is currently being used by existing businesses on the east side and an apartment complex on the west side. However, roughly a third of this segment at the north end has parking removed and the bike lane can be installed.

In Summary, the City will submit for grant funding to do bike lanes on Wible Road where parking can be removed. Also, the City currently has a consultant reviewing bike facilities throughout the City for improvements and the development of a Bicycle Transportation Plan (BTP). The BTP should be completed by the consultant in spring of 2013 after several public/stakeholder meetings.



**MEMORANDUM**  
**CITY ATTORNEY**

October 22, 2012

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JOSHUA H. RUDNICK, DEPUTY CITY ATTORNEY**

**SUBJECT: CONTRACTORS' PAYROLL REPORTS**  
**COUNCIL REFERRAL NO. 340**

VICE MAYOR COUCH REQUESTED THAT STAFF LOOK INTO THE POSSIBILITY OF REQUIRING THAT CONTRACTORS PROVIDE PAYROLL REPORTS ON NON-PREVAILING WAGE JOBS.

This memorandum is in response to Vice Mayor Couch's referral that asked staff to look into the possibility of requiring that contractors provide payroll reports on non-prevailing wage jobs.

There is no law that would prevent the City of Bakersfield from requiring contractors to provide payroll reports on non-prevailing wage laws. This could be accomplished by simply adding the requirement to the contract.

However, there are several practical reasons why our office would not recommend that the City impose the requirement on contractors to provide payroll reports on non-prevailing wage jobs.

**1. Certified payroll records are no longer required for City non-prevailing wage jobs.**

Part of the purpose of exempting the City from prevailing wage laws is the elimination of the costly requirement of having contractors provide certified payroll records to the City in order to ensure compliance of the State prevailing wage law. Requiring contractors on non-prevailing wage jobs to provide similar payroll records would add to the cost of the project, and runs counter to the goal of cost savings on non-prevailing wage jobs.

**2. Records Requests and Privacy Issues.**

If the City requires contractors on non-prevailing wage jobs to provide copies of payroll records, it is possible that some members of the public may routinely request copies of the payroll records obtained by the City, which would add to the City's administrative cost of complying with the records request, and could lead to the disclosure of private information, such as someone's salary and other information, which would not normally be provided to the general public.

As part of our research, our office also contacted a couple charter cities that exempted themselves from the State prevailing wage requirements, and they do not require contractors to provide payroll records on non-prevailing wage jobs for the above same reasons.

**3. California Division of Labor Standards Enforcement (DLSE)**

The State already enforces wage claims through the DLSE. The mission of the DLSE is to vigorously enforce minimum labor standards in order to ensure employees are not required or permitted to work under substandard unlawful conditions, and to protect employers who comply with the law from those who attempt to gain competitive advantage at the expense of their workers by failing to comply with minimum labor standards.

The DLSE adjudicates wage claims, investigates discrimination and public works complaints, and enforces labor law and the Industrial Welfare Commission wage orders. The following DLSE units were established to ensure that minimum labor standards, including concerns regarding wages and payroll are adequately enforced:

**Wage Claim Adjudication**

This unit adjudicates wage claims on the behalf of workers who file claims for nonpayment of wages, overtime, or vacation pay pursuant to California Labor Code Sections 96 and 98. DLSE deputies hold informal conferences between employers and employees to resolve wage disputes. If a matter cannot be resolved at the informal conference, an administrative hearing is held to make a final determination on the matter.

**HONORABLE MAYOR AND CITY COUNCIL**

October 22, 2012

Page 3

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**Retaliation Unit**

The Retaliation Unit investigates complaints alleging discriminatory retaliation in the workplace on the basis of various Labor Code sections.

**Bureau of Field Enforcement (BOFE)**

The BOFE is responsible for investigation and enforcement of statutes covering workers' compensation insurance coverage, child labor, cash pay, unlicensed contractors, Industrial Welfare Commission orders, as well as group claims involving minimum wage and overtime claims. BOFE also handles criminal investigations involving these group claims.

As noted above, the State wage enforcement mechanism is very extensive and should not be duplicated by the City. The DLSE would be the appropriate place for any employee on a non-prevailing wage project to seek assistance from the DLSE for wage issues. The DLSE would be able to use its statutory powers to request payroll records from the contractor as part of its enforcement and investigative functions.

In addition, the City could contact the DLSE to determine if the contractor has had any history of labor violations as part of its prequalification procedure, so that requiring a City contractor with a good labor record on a non-prevailing wage job to provide copies of its payroll records would not be necessary.

**4. Conclusion**

In conclusion, although the City could require its contractors on non-prevailing wage jobs to provide copies of payroll records, as a practical matter, it would not be feasible as such a requirement will add to the cost of the project, create an administrative burden on both the City and the contractor, and could lead to the disclosure of private information not usually released to the general public. Finally, the State through its DLSE is the appropriate public entity that handles wage disputes and ensures that workers are paid what they are entitled to under the law.

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cc: Alan Tandy, City Manager

**STREETS DIVISION – WORK SCHEDULE**

**Week of Oct. 29, 2012 – Nov. 2, 2012**

**Resurfacing/Reconstructing streets in the following areas:**

Reconstructing streets in the area east of Fairfax and south of Freeway 178

Resurfacing streets north of Terrace Way east of Wible Rd (small city island)

Grinding & Resurfacing on White Ln between Old River Rd & Gosford and on Old River Rd from White Ln to Ming Ave

Reconstructing streets in the area west of Stine Rd and north of White Ln

**Miscellaneous Streets Division projects:**

Video inspection of City owned Sewer & Storm lines to evaluate condition of pipes

Miscellaneous concrete repairs throughout the city

Installing handicap ramps at Columbus St & Bucknell St, Columbus St & Berkeley St and Columbus St & Dartmouth St

Miscellaneous work at Dog Pound

Crack Sealing on New Stine between Stockdale and Ming (weather permitting)

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**STREETS SWEEPING SCHEDULE**

**Monday, October 29, 2012**

All sweepers are assigned to sweeping streets that are not on a set sweeping schedule.

**Tuesday, October 30, 2012**

All sweepers are assigned to sweeping streets that are not on a set sweeping schedule.

**Wednesday, October 31, 2012**

All sweepers are assigned to sweeping streets that are not on a set sweeping schedule.

**Thursday, November 1, 2012**

City areas between Kentucky St. & Quincy St. – Owens St. & Virginia St.

Between Union Ave. & Washington St. – E. Truxtun Ave. & Brundage Ln.

Between Progress Rd. & Old River Rd. – Panama Ln. & Pacheco Rd. (alignment)

City areas between Progress Rd. & Old River Rd. – Meadow Falls Dr. & Rose Creek Dr.

**Friday, November 2, 2012**

Between Buena Vista Rd. & Allen Rd. – Harris Rd. & Panama Ln.

Between Buena Vista Rd. & Mountain Vista Dr. – Panama Ln. & Berkshire Rd.

Between 178 Hwy. & Paladino Dr. – W. Columbus St. & Morning Dr.

City areas between Sterling Rd. & Morning Dr. – 178 Hwy. & College Ave.

Between Valley St. & Lene Pl. -- 178 Hwy & Hickory Dr.

Between 178 Hwy. & Reynard Rd. – Kern Canyon Rd. & McKenna St.

Between Stockdale Hwy. & Joseph Dr. – McDonald Wy. & N. Stine Rd.

**NOTE:** If raining, there will be no street sweeping service and all street cleaning personnel will be assigned to cleaning plugged drains and part circle culverts. This also applies when a large number of street sweeper are in Fleet for repairs which is the current case. Areas that have been missed during this time will be swept at the end of the month.

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Bakersfield, CA 93308  
Tel (661) 634-2260  
Fax (661) 395-3378

Joseph R. Schoenstein  
Division President  
Bakersfield Division



October 18, 2012

Mr. Alan Tandy  
City Manager  
City of Bakersfield  
1600 Truxtun Avenue, 5th Floor  
Bakersfield, CA 93301

Dear Mr. Tandy:

We are pleased to announce that Bright House Networks has added **NFL Network** and **NFL RedZone** to its Sports Tier package of programming. NFL Network is also available to digital variety tier customers. At Bright House Networks, we are committed to adding new products and applications to make our customer experience easier, more convenient and more valuable. Over the past year, we've added a number of new popular channels that our customers have been asking for to our Sports Tier, including:

NFL Network and NFL RedZone  
ESPN College Game 1 and 2  
Pac12 Network  
MLB Network Strike Zone

In addition, we have several Sports Pass channels on BHTV including ESPN Classic, MavTV, Outdoor Channel, Pac12 Network, and Sportsman Channel.

The Sports Tier is now available for \$10 per month. As opportunities present themselves, we will continue to look for ways to add even more great sports programming in the future.

Bright House Networks continues to provide top notch local customer service 24 hours per day, seven days a week. We also remain committed to improving the quality of life in our local communities through our civic, education and charitable outreach.

Please do not hesitate to call if you have any questions or visit our website for more information at [mybrighthouse.com](http://mybrighthouse.com).

Regards,

A handwritten signature in black ink, appearing to read "Joe Schoenstein", written over a white background.

Joseph R. Schoenstein  
Division President