



June 8, 2012

TO: Honorable Mayor and City Council
FROM: Alan Tandy, City Manager *AT*
SUBJECT: General Information

Miscellaneous News

- Enclosed you will find our latest letter to the State Department of Finance which appeals the recent decisions on about \$8 million in obligations.
- Congratulations are in order for the Police Department Traffic Division. Staff learned this week that the Department placed 1st in the 2011 California Law Enforcement Challenge (CLEC) Competition. This is the second year in a row the Bakersfield Police Department has won the award. The competition rewards the best overall traffic safety programs in California by law enforcement type and size of agency. The areas of concentration include efforts to enforce laws and educate the public about occupant protection, impaired driving, and speeding.
- Staff was encouraged to learn that more than 100 local businesses are currently working with the Westside Parkway's contractor as subcontractors and material suppliers. Additionally, more than 75 percent of the workers on the Westside Parkway are local residents. TRIP staff recently held a contractors' outreach meeting to publicize the availability of upcoming design and construction projects. The event gave local contractors an opportunity to talk with TRIP staff, contractors and consultants about various opportunities that may be available in the future. A memo and vendor list is enclosed.
- The Jehovah's Witnesses Watchtower Convention returns to Bakersfield today for the second of six summer weekends of meetings. Each weekend brings 6,000 visitors to Bakersfield. This is the largest convention that meets in Bakersfield and sells out hotel rooms throughout the city, as well as keeping many restaurants very busy. In addition to this weekend, the other convention weekends are June 22-24, June 29- July 1, July 20-22, and July 27-29.
- State Route 184 at Bedford Green Drive will be closed in both directions beginning June 11th through June 24th as part of a reconstruction project in the area. During the closure traffic is being detoured to Fairfax Road and State Route 178. A news release from the Public Works Department is enclosed.

Budget News

Staff has compiled the following budget-related responses from the May 23rd Council meeting:

⌘ Councilmember Johnson:

- Break down of the percentage of the roads budget that goes toward bike and pedestrian enhancements
- Addition of 1 or 2 police officer positions and 1 animal control officer position for FY 12-13
- Feasibility of a spray park at Stonecreek Park

⌘ Councilmember Salas:

- Extending the pavement rehab project originally proposed from Hwy 99 to South H Street to Union Avenue in future years

⌘ Councilmember Weir:

- Savings from hiring additional fleet staff vs. sending vehicles/equipment out for repairs
- Contractor working on the landfill closure project using the dirt mounds near Fairfax and Paladino
- Adding Police Service Technicians during mid-year budget adjustments

High Speed Rail News

- A recent Los Angeles Times/USC poll of registered voters found 55 percent of the voters want the high speed rail bond issue that was approved in 2008 placed back on the ballot, and 59 percent say they now would vote against it. Additionally, 69 percent of respondents stated they would never or hardly ever ride the train – 0 percent said they would use it more than once a week. An article is enclosed.
- The enclosed article provides troubling insight into how the Governor is trying to expedite the high speed rail project, despite the multiple obvious flaws in the draft EIR and business plan. Specifically, the Governor is seeking to limit challenges from opponents under the CEQA process. The article is worth a read!

Event Information

There are multiple events next week at City facilities:

- ✓ Beale Band Concert
June 10th at 8 p.m.
Beale Park
Free Admission
- ✓ Music Fest at Silver Creek
June 12th at 7 p.m.
Silver Creek Park
Free Admission
- ✓ Sesame Street Live: Elmo Makes Music
June 12th at 7 p.m.
June 13th at 10:30 a.m. and 7 p.m.
Rabobank Theater
[Tickets: \\$10-53](#)
- ✓ Satisfaction
June 15th at 8:00 p.m.
Bright House Networks Amphitheatre
[Tickets: \\$10](#)
- ✓ Movies in the Park: Happy Feet 2
June 15th at 8 p.m.
Pin Oak Park
Free Admission

Council Referrals

- ⌘ Councilmember Johnson:
 - Bike Lanes on Wible, from Panama to Planz
- ⌘ Councilmember Sullivan:
 - California Cat Laws

Reports

For your information, we enclose the following information:

- The Streets Division work schedule for the week of June 11th; and
- A letter from Bright House Networks regarding changes to its programming.

AT:rs:ch

cc: *Department Heads*
Roberta Gafford, City Clerk



Alan Tandy • City Manager

June 5, 2012

Via Overnight Mail

Department of Finance
Redevelopment Agency Audit
915 L. Street
Sacramento, CA 95814-3706

Attn: Mr. Mark Hill, Ms. Evelyn Suess and Mr. Michael Barr

Re: **Response to DOF ROPS "Approval Letter" dated May 30, 2012**

- (a) Additional documentation demonstrating that the HUD Section 108 loans for Baker Street and the Fire Station are not City of Bakersfield Obligations; and,
- (b) Authorization of the Oversight Board at its May 21, 2012 meeting for re-statement and re-entering of the City/Agency loans for the three affordable housing projects as allowed under Health and Safety Code Section 34178(a) of AB1X-26.

Dear Mr. Hill, Mr. Barr and Ms. Suess:

After reading the ROPS Approval Letter, we mistakenly failed to provide the DOF certain documents, which in our opinion clearly show the Bakersfield Redevelopment Agency ("BRDA") as the responsible party for both of these HUD obligations. The additional documentation was inadvertently omitted in our last appeal due to the rush to meet the ROPS approval timeline. Specifically, we have attached the following:

- BRDA Agreement No. RA-03-016 Agreement for the Use and Repayment of Federal Funds for Old Town Kern mixed-use Project dated September 8, 2003 and BRDA Administrative Report. (Baker Street)
- Resolution No. RA 010-06 of the BRDA dated November 13, 2006 approving the conveyance of property and Provision of assistance to the City of Bakersfield for the construction and installation of Public Improvements related to the Fire Station No. 5 Project and BRDA Administrative Report. (SE Redevelopment Project Area). (Fire Station)

- Summary Report – Disposition and Development Agreement (DDA) between the City of Bakersfield and BRDA relating to the Acquisition, Design and Construction of Fire Station #5 and Police Sub-station. (Fire Station)
- Agreement No. 06-310 and RA 06-020 – DDA Southeast Fire Station dated October 11, 2006/November 13, 2006. (Fire Station)
- Agreement No. 06-283 and RA 06-016 dated September 13, 2006 Agreement for Use and Repayment of Federal Funds for Fire Station No. 5 project. (Fire Station)
- Oversight Board Agenda Packet dated May 21, 2012, which includes the Agenda Report and Authorization and Approved Reentered and Restated Loan Agreements dated May 23, 2012. (Interagency Loans/Fund 521 Courtyard, 511 Chelsea, and 511 19th Street).

SUMMARY

1. Baker Street

In summary, these documents show that on September 8, 2003, the BRDA approved an agreement with the City authorizing the RDA to use the grant and loan funds as a sub-recipient of the HUD funds and pledging its tax increment as the collateral for the Section 108 loan and its repayment. **The redevelopment obligation is detailed in the attached Agreement No. RA03-016 called the "Agreement for Use and Repayment of Federal Funds for Old Town Mixed-Use Project".** This agreement was a requirement of HUD in approving the Baker Street Section 108 Loan and BEDI Grant to the City and was included in the loan documentation with HUD and reflected as **Attachment 4** on page 12 of the HUD Agreement (Agreement No. 03-209). **As you can see, this agreement contractually commits the BRDA to provide its tax increment from its Old Town Kern-Pioneer Redevelopment Project Area to pay this HUD obligation for the Baker Street Project.**

2. Fire Station

The documents also show that on November 13, 2006, the BRDA approved a Development and Disposition Agreement with the City of Bakersfield authorizing conveyance of property and committing financial

assistance to the Fire Station for Southeast Redevelopment Project Area as permitted under Section 33679 of the Health and Safety code (Agreement No. 06-310 and RA 06-020). **The Development Agreement in Section A on page 4 of 14 lays out the obligation of the BRDA to provide cash and to repay the Federal HUD Section 108 Loan secured by the City for the Fire Station Project. Although the City was the official applicant as required by HUD at the time, the BRDA agreed to repay these loan obligations and pledged tax increment as the loan collateral and repayment source as further evidenced in Section 5 on page 2 of 5 of Agreement No. 06-283/RA 06-016 entitled "Agreement for Use and Repayment of Federal Funds for Fire Station #5 Project."**

As you know, Health and Safety Code Section 34171(d)(1)(C) defines Enforceable Obligations of the Successor Agency to include:

"[p]ayments required by the federal government..."; and, subsection (E) includes "[a]ny legally binding and enforceable agreement or contract that is not otherwise void as violating the debt limit or public policy." The HUD 108 Loans meet both (C) and (E)." (emphasis added)

Further, Health and Safety Code Section 34171(d)(2) establishes and preserves the validity of loan agreements and pledges of tax increment that were part of issuance of loans, providing, in part, that:

*"...written agreements entered into (A) **at the time of issuance**, but in no event later than December 31, 2010, of indebtedness obligations, and (B)solely for the purpose of **securing or repaying those indebtedness obligations** may be deemed enforceable obligations for purpose of this part."* (emphasis added)

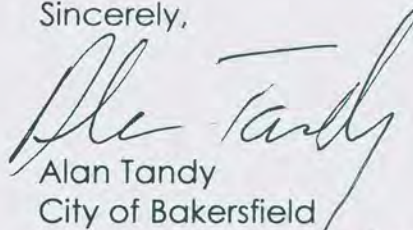
Therefore, we ask that the DOF reconsider its decision and determine that both HUD Section 108 loans, which were entered into prior to December 31, 2010, should be considered as valid enforceable obligations for both ROPS.

3. Inter-Agency Loans

In addition, the Oversight Board at its May 21, 2012 meeting, approved restating and renewing the three City/Agency loans, and they have been included on the July to December 2012 ROPS and are attached to this letter for your review and consideration. This action is allowed under Section 34178(a) of AB1X-26. These loans were not "Bridge Loans" but were the only financing mechanism available to the Agency to provide funding assistance for land and construction costs to the three affordable housing projects in the Mill Creek Project.

In conclusion, Bakersfield believes that the HUD Section 108 Loan obligations and the re-entered and restated Interagency Agreement Obligations are legal enforceable obligations of the former BRDA, which were approved twice by the Oversight Board. Clearly, delays in payment will result in the Successor Agency not having adequate funds to meet its outstanding debt service payments for the federal HUD obligations, and it will have a significant fiscal impact on the City of Bakersfield. Although Bakersfield and its Successor Agency reserve all rights to pursue any remedies it has, up to and including litigation in order to resolve the remaining disputed items, we look forward to discussing these issues with you during the forthcoming DOF conference call with City.

Sincerely,



Alan Tandy
City of Bakersfield
Acting as Successor Agency to
The Bakersfield Redevelopment Agency

Enclosures

cc: *Pedro Reyes, Chief Deputy Director for Policy*
Jennifer Rockwell, Chief Counsel



MEMORANDUM

Date: May 31, 2012

To: Alan Tandy, City Manager

From: Janet Wheeler
Thomas Roads Improvement Program

Subject: Small Business Opportunities

The Thomas Roads Improvement Program held a contractors' outreach meeting on May 22, 2012. TRIP hosts these meetings periodically, to publicize the availability of upcoming design and construction projects. We held similar meetings in 2010 and 2008. Bakersfield Public Works, Kern County Roads and Caltrans also participate in these meetings, using the opportunity to present their upcoming projects in Bakersfield and Kern County. These projects include opportunities for businesses of all sizes and time is set aside at these meetings for networking to allow businesses that would like to participate in these projects to contact prime contractors and consultants early in the process to become part of their teams.

We would like to see more local businesses participate in these road improvement projects and we were encouraged to learn that more than 100 local businesses are currently working with the Westside Parkway's contractor as subcontractors and material suppliers. Additionally, more than 75 percent of the workers on the Westside Parkway are local residents.

TRIP currently has advertised **Requests for Qualifications/Requests for Proposals for the Rosedale Highway Widening Project, SR 178 Widening Project, and the 24th Street Improvement Project. Proposals are due on June 12, 2012.** A pre-RFP/RFQ meeting was held on May 30, 2012 (advertised in *The Bakersfield Californian* on May 22nd). This meeting was mandatory for prime consultants and only those who attended the meeting will be eligible to bid on these projects. It was not mandatory for sub consultants to attend the meeting and interested local businesses should make contact with the prime consultants as soon as possible. The sign-in sheets showing meeting attendees may be reviewed and downloaded from the TRIP website: www.bakersfieldfreeways.us. Here is the direct link: http://www.bakersfieldfreeways.us/RFQ-RFP-May_2012.htm.

TRIP projects are all advertised through the City of Bakersfield's Purchasing Division. Purchasing maintains a list of interested suppliers, consultants, and contractors that are notified when projects are advertised. All local businesses that want to work on TRIP or other City projects should register as vendors. The names of interested bidders are also posted with each project so businesses can make the appropriate contacts.

Vendor registration is easy and can be done online. Visit the city's website: www.bakersfieldcity.us, select Purchasing Division under the "Departments" tab, then select "Vendor's Portal" to access the Vendor's Registration Page. A link is also provided on the TRIP website home page.

All of the meeting materials from the May 22 contractors' outreach meeting are posted on the TRIP website. The direct link is: <http://www.bakersfieldfreeways.us/ProjectPreview2012materials.html>.

Participants are invited to these contractors' outreach meetings via email. For the May 2012 meeting, 950 invitations were sent from the TRIP office to businesses throughout California. Local businesses and organizations are encouraged to provide their contact information, and updates as necessary, so they can be included in mailings. Please provide information to Janet Wheeler at the TRIP office, (661) 326-3491 or by email: jwheeler@bakersfieldfreeways.us

In addition, Caltrans District 6 Small Business Office forwarded the invitation to their list of businesses, which included 143 small businesses in the Bakersfield area. Local businesses may want to consider becoming a Certified Small Business under this program. The State's Small Business brochure is included with the meeting materials on the TRIP website. For more information on the Caltrans Small Business Program, local businesses may contact Morris Caudle or Kelly Mertlik at District 6 office in Fresno, (559) 488-7332. They can also provide information on Disadvantage Business Enterprise certification.

If you have additional questions, please contact Janet Wheeler at (661) 326-3491.

Security Paving Local Vendor List
Bakersfield, CA

84 Lumber	Jim Burke Ford
A&B Trucking	John Deere
A-1 Trucking	Kaman
Abacus Surveying	Kern County Waste Management
AC Replacements	Kern Turf Supply
Ace Hydraulic	Kimball Midwest
Acer Trucking	Lambwire
Advanced Communication	Lewis Barricade
Advanced Districution	Lowes
Airgas	McClure & Son Eq
Alon USA	Melos Gas
Alternative Hose	Napa Auto
Andy Gump	Office Depot
Arsenal Eq Rental	Old River Sod
Austin Enterprises	Oleary's Office
B& B Surplus	Papay Kenworth
B&G Machine	Parkhouse Tire
B&R Tool	Praxair
Bakersfield Pipe & Supply	PTO Sales
Bill Wright Toyota	Quinn/ Caterpillar
Blueprnt Services	Quinn Rental
Budget Bolt	Rain For Rent
Cal Lowbed	Rudys Landscape
Cal Valley Eq	Safety Network
Calif Ind Rubber	San Antonio Nursery
California Electrical Suppily	Smith & Son Tire
Carpentar Rigging	Sniders Cyclery
CER Equip Rental	Sparkletts
Coast Crane	Statewide Safety & Sign
Constar	Suburban Propane
Costco	Sully & Son Hydraulic
Curtis Electric	Sunbelt Eq Rental
CVS Trench	Taylor Eq
Davis Radiator	TCI Tire
Dirt Works	Ten West Towing
Espinoza Gardening	Terminix
Executive Business Services	The Padre
Ferguson	Transwest Security
Floor Layers Emporium	Triple E Trucking
Freds BBQ	Tri-Steel
Freightliner/ Bakersfield Truck Center	Turner Crane
Garcia Roofing	United Rentals
Gibbs	United Site Services
Golden Empire Equipment Rental	United Trench Shoring
Grainger	USA Fabrication
Great Pacific Eq Co	Valley Decal
Groeniger	Valley Detroit Diesel
H&S Hose	Volvo Eq Rental
Home Depot	Vulcan
Hub Construction Specialties	White Cap
J&M Equipment	Wholesale Fuel
J&M Land Restoration	



PRESS RELEASE

FOR IMMEDIATE RELEASE
Thursday, June 07, 2012

Contact: Rick Millwee
Construction Superintendent
(661) 326-3049

Construction on State Route 184 at Bedford Green Drive Closure of State Route 184

CORRECTION

As part of the reconstruction of State Route 184 at Bedford Green Drive, the City of Bakersfield will modify and flatten the roadway profile to provide adequate sight distance for safe and efficient traffic operation for the future Bedford Green Drive alignment. This phase of the project will entail complete reconstruction of the pavement at the intersection, adjustment of the roadway profile, installation of a storm drain system and installation of a gabion wall. During this phase of construction traffic will be closed in both directions on State Route 184 at Bedford Green Drive and traffic will be detoured to both Fairfax Road and State Route 178.

Construction operations will begin on Monday, June 11, 2012. Traffic is expected to be restored on State Route 184 on June 24th and the estimated completion date for all construction at this intersection is July 6, 2012. The City thanks the public for their patience during the construction of these improvements.


For more information, please contact Rick Millwee, Public Works Construction Superintendent, at (661) 326-3049.

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B A K E R S F I E L D
PUBLIC WORKS DEPARTMENT
MEMORANDUM

RECEIVED
JUN 05 2012
City Manager's Office

DATE: June 5, 2012

TO: ALAN TANDY, CITY MANAGER
FROM: RAUL ROJAS, PUBLIC WORKS DIRECTOR 
SUBJECT: PROPOSED FY 2012-13 BUDGET PRESENTATION
QUESTIONS/REQUESTS FROM THE CITY COUNCIL ON MAY 23, 2012

No.	Question/Request	Councilmember
3)	Can staff provide a memo breaking down the percentage of the roads budget that goes toward bike and pedestrian enhancements?	Johnson

Response: The City currently has approximately 100 miles of striped bike lane segments and 29 miles of bike path. Staff does not maintain records breaking down the percentage of the roads budget that goes toward bike and pedestrian enhancements. However, pavement rehabilitation projects include improvements to adjacent bike lanes. Therefore, improvements to existing bike lanes are a part of the City's overall Street Preventative Maintenance Program. Bike lanes make up 8% of the surface area of arterial streets. Many of the City's collector streets also have bike lanes.

Staff has aggressively pursued grant funding for bikeway and pedestrian enhancements. For instance, engineering staff submits grants applications for:

- Transportation Development Act (Article 3) funds for bike lane improvements.
- Highway Safety Improvement Program funds to install pedestrian count down timers.
- Safe Route to Schools funds for pedestrian improvements at schools.

Recently completed bike improvements include:

- Bikelanes on Auburn Street
- Bikelanes on Bernard Street
- Bikelanes on Olive Drive
- Mill Creek Bikepath

Recently completed or under design pedestrian improvements include:

- Pedestrian improvements at Sequoia Middle School (Belle Terrace and South P roadway widening, curb and gutter, and sidewalk)
- Pedestrian improvements at Frank West Elementary (Benton and Custer flashing beacons) – under design
- Pedestrian improvements at South High (Planz flashing beacon)
- Pedestrian improvements at R. Palla Elementary (Planz flashing beacon)
- Pedestrian countdown timers (21 intersections throughout the City) – under design.

In addition, staff is currently designing bike lane improvements for the following road segments:

- White Lane from Union to S. H Street
- Hughes Lane from White Lane to Wilson
- Monitor Road from Hoskings to East Pacheco
- Alta Vista from Bernard Street to Niles Street
- Haley Street from E. Truxtun to E. California Avenue
- 30th Street from Chester Ave to Union Avenue
- 4th Street from P Street to Union Avenue
- Belle Terrace from New Stine Road to Fiorito Street
- Hughes Lane from Wilson Road to Planz Road
- E. 21st Street from Union Avenue to King Street


Grant applications for the 2012 Safe Route to Schools and 2011/12 Highway Safety Improvement Programs are still pending.


Furthermore, bicycle detection loops are now being installed on all new and modified approaches to traffic signals. These detection loops will enhance travelling of bicyclists.



**OFFICE OF THE CITY MANAGER
MEMORANDUM**

June 8, 2012

TO: Alan Tandy, City Manager 

FROM: Chris Huot, Administrative Analyst III 

SUBJECT: **PROPOSED FY 2012-13 BUDGET QUESTION FROM THE CITY COUNCIL ON MAY 23, 2012 - REQUEST FROM COUNCILMEMBERS JOHNSON REGARDING ADDING 1 OR 2 POLICE OFFICER POSITIONS AND 1 ANIMAL CONTROL OFFICER POSITION.**

Question/Request		Councilmember
No. 6	Addition of 1 or 2 police officer positions and 1 animal control officer position.	Johnson

During the presentation of the Police Department's FY 2012-13 Proposed Budget at the City Council meeting on May 23, 2012, Councilmember Johnson indicated a request for staff to look at adding 1 or 2 additional police officer positions and 1 animal control officer position.

In regard to the additional animal control position, staff anticipates this position will be added as part of the proposed overhauled Animal Control division budget. This position is in addition to the animal control officer position included for restoration within the proposed budget.

In regard to the request to add the two additional police officers, staff began its analysis by taking into consideration one of the City's guiding principles, which states "To foster a "cut-as-you-go" policy, implementing spending offsets to cover the expenses of new programs whenever possible."

As the budget is proposed, there are currently five sworn positions included.

Additionally, the Police Department is currently awaiting the result of a grant application, which would partially fund up to 11 additional police officer positions for three years.

The following summary shows the estimated costs for the requested positions as well as the proposed offsetting reductions. While the Police Chief and City Manager's Office continue to propose the budget "as is" our alternates would be to reduce specific proposed new civilian positions to cover the anticipated salary and benefits of the new police officer positions. Additionally, new equipment for the requested positions is proposed to be funded through currently budgeted capital projects or items funded by 'one time' monies. The following tables provide alternates for discussion purposes.

Estimated Costs for 1st Additional Police Position:

1st Additional Police Officer Position	Amount
Police Officer Salary and Benefits	<u>\$ 92,500</u>
Subtotal	\$ 92,500
Equipment for 1st Position	Amount
Vehicle and Equipment	<u>\$ 56,700</u>
Subtotal	\$ 56,700
Total Cost for 1st Additional Police Officer	<u>\$ 149,200</u>

Proposed Budget Reductions to Offset Estimated Costs for 1st Additional Police Position:

Offsetting Funding Sources	Amount
Police Dispatcher (Proposed)	\$ (60,463)
Police - Clerk Typist (Proposed)	<u>\$ (32,037)</u>
Subtotal	\$ (92,500)
Offsetting Funding Sources	Amount
Council Contingency	\$ (50,000)
Fire Station 8 Rehab Analysis (Partial Reduction)	<u>\$ (6,700)</u>
Subtotal	\$ (56,700)
Total	<u>\$ (149,200)</u>

Estimated Costs for 2nd Additional Police Position:

2nd Additional Police Officer Position	Amount
Police Officer Salary and Benefits	\$ 92,500
Subtotal	\$ 92,500

Equipment for 2nd Position	Amount
Equipment (no vehicle)	\$ 13,700
Subtotal	\$ 13,700

Proposed Budget Reductions to Offset Estimated Costs for 2nd Additional Police Position:

Offsetting Funding Sources (Alternative 2)	Amount
Fire - Capitan (Proposed)	\$ (92,500)
Subtotal	\$ (92,500)

Offsetting Funding Sources (Alternative 2)	Amount
Development Services Building Remodel (Partial Reduction)	\$ (13,700)
Subtotal	\$ (13,700)
Total	\$ (106,200)



**OFFICE OF THE CITY MANAGER
MEMORANDUM**

June 7, 2012

TO: Alan Tandy, City Manager

FROM: Chris Huot, Administrative Analyst III

**SUBJECT: PROPOSED FY 2012-13 BUDGET QUESTION FROM THE CITY COUNCIL ON
MAY 23, 2012 - REQUEST FROM COUNCILMEMBERS JOHNSON
REGARDING THE FEASIBILITY OF A SPRAY PARK AT STONECREEK PARK**

	Question/Request	Councilmember
No. 7	Can staff look at the feasibility of a spray park at Stonecreek Park?	Johnson

During the Council and Mayor Statements portion of the City Council meeting on May 23, 2012, Councilmember Johnson requested staff look at the feasibility of a spray park at Stonecreek Park.

Recreation and Parks, Public Works and City Manager's Office staff have conducted a preliminary analysis into the feasibility of a spray park at Stonecreek Park. In short, there are multiple logistical and financial obstacles which may initially inhibit the short term viability of a spray park at this location.

The park is substantially surrounded by single family residences, is bordered on one side by a collector street and does not currently have off-street parking for park patrons. The park was originally designed to fit within the layout of the surrounding neighborhood, thus the addition of a spray park would significantly alter the makeup of and increase attendance at the Park. Accordingly, staff recommends input and feedback from residents within the area of the park be received as part of the long-term planning process. To date, Recreation and Parks staff has not received any inquiries or requests from the public for a spray

park at this location.

Additionally, the park is within Zone 1 of the Park Improvement Assessment. There is not sufficient balance currently available for new construction of a spray park within this zone. Furthermore, City staff must first plan to construct replacement amenities at Planz and Siemon Parks in order to replace pools which are no longer feasible to maintain. These replacement amenities would have priority over adding additional amenities to an existing park.

Initial estimates from Recreation and Parks and Public Works peg the cost of a 4,000 sq. ft. spray park at this location at an estimated \$325,000 plus an additional \$150,000 to construct an off street parking lot. The parking lot is needed to mitigate for increased parking demands that arise due to the popularity of spray parks. The current available on-street parking is not anticipated to meet demand if a spray park is installed at this location. The estimates assume City staff provides most of the design and construction work for all facets of the project.

As mentioned previously, there is not sufficient funding available to move forward with the installation of a spray park and the construction of a parking lot at this location at the current time. For planning purposes, staff will add the spray park at Stonecreek Park to the five year Capital Improvement Program budget in a future year. Additionally, the replacement amenities planned for Planz and Siemon Parks will also be added to the five-year plan.



B A K E R S F I E L D
PUBLIC WORKS DEPARTMENT
MEMORANDUM

DATE: MAY 29, 2012

TO: ALAN TANDY, CITY MANAGER
FROM: RAUL ROJAS, PUBLIC WORKS DIRECTOR
SUBJECT: PROPOSED FY 2012-13 BUDGET PRESENTATION
QUESTIONS/REQUESTS FROM THE CITY COUNCIL ON MAY 23, 2012

No.	Question/Request	Councilmember
4)	Can staff explore extending the pavement rehab project originally proposed from Hwy 99 to South H Street to Union Avenue in future years?	Salas

Response: The FY 12/13 CIP budget includes funds to rehab pavement on Panama Lane from South H Street to Monitor Street. This project is predominantly federally funded (88.53%) with the local match requirement of 11.47% funded by gas tax revenues. The Five-Year CIP Plan includes an anticipated project in FY 13/14 to extend pavement rehabilitation work on Panama Lane from Monitor Street to South Union Avenue. This project is also proposed to be predominantly federally funded (88.53%) with gas tax revenues funding the local match requirement. However, this proposed future year project is dependent upon funding availability. Should funding not be available for this section, the Streets Division will perform a thin asphalt overlay as a maintenance effort.



B A K E R S F I E L D
PUBLIC WORKS DEPARTMENT
MEMORANDUM

RECEIVED
JUN 05 2012
 City Manager's Office

DATE: June 4, 2012

TO: ALAN TANDY, CITY MANAGER
FROM: RAUL ROJAS, PUBLIC WORKS DIRECTOR
SUBJECT: PROPOSED FY 2012-13 BUDGET PRESENTATION
 QUESTIONS/REQUESTS FROM THE CITY COUNCIL ON MAY 23, 2012

No.	Question/Request	Councilmember
1)	What is the savings from hiring additional fleet staff vs. sending vehicles/equipment out for repairs?	Weir

Response: The FY 12/13 proposed budget includes the restoration of three Fleet Service Worker I (FSW I) positions and one Fleet Mechanic II (FM II) position. Following is a summary of the salary and benefit costs for each position, along with savings associated with performing the work in-house.

	Salaries/Benefits	Savings	Net Savings
Three FSW I	\$171,660	(\$225,000)	(\$53,340)
One FM II	78,507	(75,000)	3,507
Totals	\$250,167	(\$300,000)	(\$49,833)

Restoration of these four fleet worker positions significantly reduces the need to outsource repairs of the city's fleet. However, the outsourcing of critical equipment will continue. The attached graph illustrates the increase in outside repairs over the last three years. The following table provides a comparison of outsourcing and in-house work.

Type of Work	Outsourcing	In house
Equipment Repairs	\$95 to \$105 (hourly rate)	\$50 to \$67 (hourly rate)
Parts	Retail cost plus markup	Wholesale cost plus markup
Downtime	Longer downtime - No control over priority	Control over priority

In summary, although significant savings will be realized from performing more work in-house, there will still be instances where critical repairs will be outsourced.

Outside Repairs

\$2,500,000

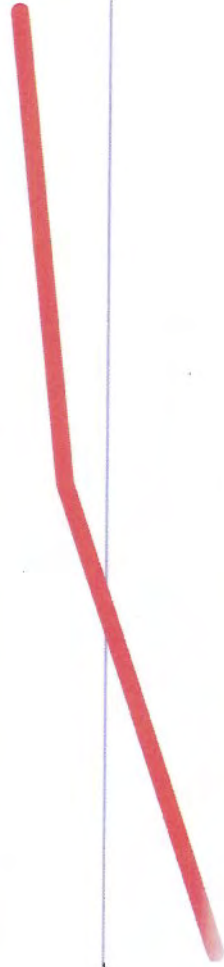
\$2,000,000

\$1,500,000

\$1,000,000

\$500,000

\$0



08/09

09/10

10/11

\$1,081,733

\$1,657,411

\$1,839,197

Total Cost


B A K E R S F I E L D
PUBLIC WORKS DEPARTMENT
MEMORANDUM

RECEIVED
JUN 04 2012
City Manager's Office

DATE: MAY 29, 2012

TO: ALAN TANDY, CITY MANAGER
FROM: RAUL ROJAS, PUBLIC WORKS DIRECTOR
SUBJECT: PROPOSED FY 2012-13 BUDGET PRESENTATION
QUESTIONS/REQUESTS FROM THE CITY COUNCIL ON MAY 23, 2012

No.	Question/Request	Councilmember
1)	Can staff check with the contractor working on the landfill closure project to see if they can use the dirt mounds near Fairfax and Paladino?	Weir

Response:

In order for this soil to be used, it would have to be tested to see if it meets the regulatory requirements necessary to use it for the landfill cap. This testing would cost around \$30,000 and would take about 10 weeks to complete.

Should the soil qualify to be used on the landfill cap, a cost analysis has revealed that the additional handling and trucking costs transport it to the landfill for use will result in an additional project cost of approximately \$850,000.



**OFFICE OF THE CITY MANAGER
MEMORANDUM**

June 5, 2012

TO: Alan Tandy, City Manager

FROM: Chris Huot, Administrative Analyst III *CH*

SUBJECT: **PROPOSED FY 2012-13 BUDGET QUESTION FROM THE CITY COUNCIL ON MAY 23, 2012 - REQUEST FROM COUNCILMEMBERS WEIR REGARDING ADDING ADDITIONAL POLICE SERVICE TECHNICIAN POSITIONS DURING MID-YEAR BUDGET ADJUSTMENTS**

	Question/Request	Councilmember
No. 5	Can staff look at adding additional Police Service Technician positions during mid-year budget adjustments?	Weir

During the presentation of the Police Department's FY 2012-13 Proposed Budget at the City Council meeting on May 23, 2012, Councilmember Weir requested staff consider adding additional Police Service Technician positions during mid-year.

Staff will analyze fiscal trends and Police Department operations to determine if the financial capacity and operational need exists to add additional PST positions during mid FY 2012-13.

As a reminder, the proposed budget includes the restoration of three PST positions and three clerk typist positions. The addition of the clerk typist positions will allow three PSTs to resume field work, as they are currently covering critical administrative duties previously performed by clerk typists. Furthermore, there are currently six PSTs who are close to completing training. These PSTs will soon begin field work. The combination of the proposed budget actions, plus the

completion of training will eventually put 12 PSTs out in the field within the next fiscal year.

Los Angeles Times | LOCAL



L.A. NOW

SOUTHERN CALIFORNIA -- THIS JUST IN

Californians turn against high-speed rail project, poll finds

June 3, 2012 | 8:36 am



A controversial \$68-billion high-speed rail project in California has lost support from a majority of Californians, a [USC Dornsife/Los Angeles Times poll](#) found.

Across the state, 55% of the voters want the bond issue that was approved in 2008 placed back on the ballot, and 59% [say they now would vote against it](#).

Since voters approved that \$9-billion borrowing plan, the state and national economic outlook has dimmed and some of the promises about the bullet train have been compromised. Its projected cost has roughly doubled, and it will now share track with slower commuter and freight trains in some areas. Powerful agriculture groups and freight railroads have asserted that proposed routes would damage their interests and compromise safety. Churches, schools, businesses and homeowners are fighting the project.

The poll shows that concerns about the project extend broadly across regions, ethnic groups, income brackets and even political affiliations. In Southern California, 67% of voters said they would reject issuing bullet train bonds if they could vote again.

Although organized labor has been among the biggest proponents of the project, 56% of union households now would reject the state funding plan, the poll found. Even among [Democrats](#), the strongest backers of the project, only 43% would support the bond in a new vote, while 47% would oppose it. And 76% of [Republicans](#) would vote it down.

The poll found that most voters don't expect to use it. Sixty-nine percent said they would never or hardly ever ride it. Zero percent said they would use it more than once a week. Public opinion surveys cannot predict the revenues and ridership a rail service might generate. The poll results raise questions about whether the system would serve as a robust commuter network, allowing people to live in small towns and work in big cities or vice versa. On the other hand, 33% of respondents said they would prefer a bullet train over an airplane or car on trips between L.A. and the Bay Area.

The USC Dornsife/L.A. Times survey contacted 1,002 registered voters in mid-May. Two other polls last year also found shrinking support for the project, which was approved by 52.7% of voters in 2008. A third poll this year also found likely voters opposed the project, though adults in general favor it by a small margin.

ALSO:

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[Spelling bee champ studied with 30,000 flashcards created by dad](#)

--Ralph Vartabedian

Photo: Dan Richard of the California High-Speed Rail Authority, center, at a Sacramento news conference in November. Credit: Rich Pedroncelli / Associated Press

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Comments (3)

Governor Brown's Abuse of Power

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The Governor has been relentless in his support of the ailing train project, in the face of major issues recognized by press all over the country and beyond all reason.

We are now seeing politics at its ugliness. Brown, who is 74, desperately wants a legacy project, and it appears that he is attempting to get it at the expense of and on the backs of the less fortunate. The General Fund payments that his project will require will hurt the elderly, and lead to a loss of jobs for teachers, and more impacts on education. The Governor's own tax initiative could be teetering on the verge of failure, and might go down if the public were to put two and two together and realize that tax increases the Governor is asking for may end up funding his unpopular train project.

Now Brown is attempting to limit the legal tools the opponents have available by seeking to make his project invulnerable to legal challenge under the California Environmental Quality Act (CEQA), the state's most important environmental law. The Governor is attempting to do this by urging the Legislature to remove injunctive relief (translation: stopping the project), and thereby significantly weakening CEQA. The proposed law suggests the only time a judge may order a halt to the project is if damages would be expected to exceed the federal grants of over \$3 billion.

In practical application, Attorney Stuart Flashman stated, "Getting a preliminary injunction is difficult at best, even under a 'normal' set of rules." Flashman notes that one guideline is if not stopping the project would cause "irreparable harm and loss of dollars is not considered irreparable." Another guideline according to Flashman is "the moving party has to show it has a substantial likelihood of success."

But Brown's effort to wipe out a possible CEQA challenge doesn't wipe out the federal environmental law called National Environmental Protection Act (NEPA) and with a Republican congress, an exception is doubtful.

Related topics:

[Jerry Brown](#)[Stuart Flashman](#)[california high-speed rail](#)

Flashman reminds us that “it is possible for a federal judge to block release of federal funds which could cause the project o grind to a halt.”

So what could be the other reason the Governor wants this bill? There seems to be attempts to add, change or strengthen some of the terms of AB 3034. It introduces new words like phased implementation and blended which never existed in the original law and showing up in this draft legislation. It even gives the Authority the right to propose taxes to fatten up their financial plan, of course with approval of the legislature.

One would question how you change initiative language with a majority vote. Unless provided otherwise in the initiative itself (and Proposition 1A has no such provision) initiatives may be changed only by a revote of the public.

This might be to hold off a lawsuit that they expect would be filed in the Peninsula challenging the blended approach or minimize the risk to the only non-CEQA lawsuit which has been filed. The Central Valley suit that challenges the use of state bond funds because the first segment violates 1A.

Or it could be about supporting union voters. Rod Diridon thinks so as he addressed an audience this May at the USHSR conference. Diridon delivers a very no nonsense message.

“We have a legislature that is heavily – I don’t want to be partisan, here except that the issue has become partisan in CA because of the tax on HSR through the elected conservatives – but we have a democratic legislature. We have a democratic governor. Those folks are elected by labor. Labor needs these jobs. You folks that represent labor and the construction industry need to let those legislators know that this is a fish or cut bait issue.

If you vote for this we’ll love you forever and we’re gonna have a healthy state because we’re going to have a lot of jobs and a lot of taxes being paid by those people who are going to see that \$7B from the state and federal ... project. If you don’t vote for it, we don’t want you anymore.’ And it’s got to be that clear. And you’ve got to be that direct.”

As a reminder, Job claims have been grossly exaggerated by the High-Speed Rail Authority. Other infrastructure projects, repair of aging infrastructure could more valuable and could have an immediate impact on employment than a new capital project. In the newest poll by USC Dornsife/Los Angeles Times I released last week showed even union families support for the project has dropped appreciably from the time of the election.

The Governor is seeking to bypass committee examination of his anti-CEQA proposal, which would otherwise surely face stiff environmental group challenges as well as public scrutiny. Instead, if the Governor gets his way, the legislation he is sponsoring will head directly to the floor for a vote under the orders of Senator Darrell Steinberg and Assembly member John Perez and under the guise of being related to the budget. If passed, it would go into effect immediately.

Polls conducted in the last year showed a strong majority voting "no" on the project. USC Dornsife /Los Angeles Times 59%, the Field Poll 59% and Probolsky Poll 62.4% -- all point to the same answer, the public is not in favor of the proposed high-speed train. People want a revote or the project to just stop.

Perhaps it's because the public is learning more about this project. While the concept is good, the reality is not. Perhaps it's even more basic than that. It's becoming more apparent that the project doesn't resemble what was on the ballot.

Perhaps some of the legislators will realize their responsibility to their districts, all of their constituency. Perhaps some of them will do the right thing and vote their conscience. Instead, let them vote yes on a revote that the public deserves. Let Doug LaMalfa's bill out of the transportation committee and give people a do-over.

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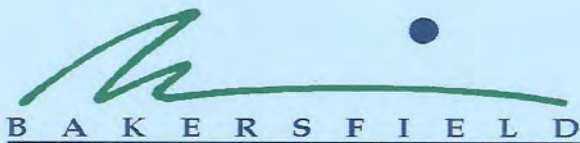
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Report



Kathy Hamilton, SF Transportation Policy Examiner

Kathy Hamilton has been writing about High Speed Rail for over 2 years. She follows key meetings in and out of Sacramento. In the past she has worked as a real estate broker, was in corporate relocation management and was a Senior Manager in International Human Resources for a large public...



**CITY OF BAKERSFIELD
PUBLIC WORKS DEPARTMENT
MEMORANDUM**

TO: Alan Tandy, City Manager

FROM: Raul Rojas, Public Works Director

DATE: June 1, 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.

Wible Road is an arterial roadway that will ultimately be signed "No parking" and striped for six lanes with bike lanes. Most of this segment is currently striped four lanes with a wide outside lane area used by bikes and allows for parking in some areas. Bike lane has been painted on the section between Harris Road and Panama since parking has always been prohibited. Between Planz Road and Harris Road, a bike lane was never striped since there were many businesses that traditionally had on street parking along their frontage. Traffic Engineering will review this segment to see how the parking areas are currently being utilized and if they can be removed so the bike lane can be striped in its ultimate location.



MEMORANDUM
CITY ATTORNEY

June 7, 2012

TO: LEGISLATIVE AND LITIGATION COMMITTEE
Sue Benham, Chair
Jacque Sullivan
Rudy Salas

FROM: RICHARD IGER, ASSOCIATE CITY ATTORNEY *RI*

SUBJECT: CALIFORNIA CAT LAWS
COUNCIL REFERRAL NO. 315

Councilmember Sullivan requested that the Legislative and Litigation Committee review the ordinance that provides for the maximum number of cats per household.

This memo is in response to Councilmember Sullivan's referral to the Legislative and Litigation Committee regarding an overview of California and local laws relative to containing cats. California law does not provide much, if any regulation over the treatment of cats. In general, cats have fewer regulations than dogs and are not restricted in their ability to roam, and do not require a leash. Also, cats are not seen as a threat to public safety and are not required to receive rabies vaccinations or be licensed. Finally, the Bakersfield Municipal Code does not regulate the ownership of cats.

The few California laws that deal with cats are actually unrelated to individuals owning cats, but relate to local agencies and shelters that elect to impound and regulate cats. The only other laws that mention cats are related to the treatment of feral and rabid cats.

RI:lsc

STREETS DIVISION – WORK SCHEDULE

Week of June 11, 2012 – June 15, 2012

Resurfacing/Reconstructing streets in the following areas:

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

Grind & Resurface Ming Ave between Wible Rd & New Stine **(most of work will be done at night)**

Grind & Resurface Real Rd between Stockdale Hwy & California Ave

Sealing streets in the area between Frwy 99 & “H” St north of White Ln

Miscellaneous Streets Division projects:

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

(CDBG funded area) Installing & Repairing curb, gutter & sidewalks in the area east of Oleander & south of Palm St.

(CDBG funded area) Installing & Repairing curb, gutter & sidewalks in the area south of California Ave to 8th St from “M” St to “N” St

Working on removing Block Wall and footing at Fire Station 1

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STREETS SWEEPING SCHEDULE

Monday, June 11, 2012

Between So. "H" St. & Union Avenue – Pacheco Rd. & Hosking Rd.

Between Stockdale Hwy. & Truxtun Ave. (ext.) – Coffee Rd & Partridge Ave.

Tuesday, June 12, 2012

Between 99 Hwy. & So. "H" St. – Ming Ave. & Panama Ln.

Cul-De-Sacs on the north side of Magdalena Ave., west of So. "H" St.

Wednesday, June 13, 2012

City areas between Brundage Ln. & Ming Ave. – So. "H" St. & Union Ave.

City areas between Wilson Rd. & Pacheco Rd. – So. "H" St. & Union Ave.

Between Casa Loma Dr. & Planz Rd. – Madison Ave. & Cottonwood Dr.

Between Planz Rd. & Brook St. – Madison Ave. & Hale St.

Thursday, June 14, 2012

Between Carr St. & California Ave. – Mohawk St. & Stockdale Hwy.

Between Stockdale Hwy. & Marella Wy. – California Ave. & Montclair St.

Between La Mirada Dr. & Chester Ln. – Montclair St. & No. Stine Rd.

Between California Ave. (ext.) & Stockdale Hwy. – No. Stine Rd. & 99 Hwy.

Between Stockdale Hwy. & Ming Ave. – New Stine Rd. & Ashe Rd.

Between Mountain Ridge Dr. & Ashe Rd. – Taft Hwy. & Berkshire Rd.

Friday, June 15, 2012

Between Stockdale Hwy. & Ming Ave. – Allen Rd. & Old River Rd.

Between Old River Rd. & Coffee Rd. – Ming Ave. & Ridge Oak/Westwold Dr.

Between Ridge Oak/Westwold Dr. & White Ln. – Old River Rd., east to the PG&E easement.

Between White Ln. & Asperata Dr. – Gosford Rd., west to the PG&E easement.

Between White Ln. & Cederwood Dr. – Stine Rd. & Wilson Rd. (ext.)

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.

3701 North Sillect Avenue
Bakersfield, CA 93308
Tel (661) 634-2260
Fax (661) 395-3378

Joseph R. Schoenstein
Division President
Bakersfield Division

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MAY 01 2012

City Manager's Office

**bright
house**
NETWORKS

May 31, 2012

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

Dear Mr. Tandy:

From time to time our agreements with cable channels and television stations come up for renewal. While we do not anticipate any loss or disruption of service, regulations require us to notify you of the possibility of losing programming. Please be advised, therefore, that our agreements with BBC America, Cooking Channel, Country Music Television, Current TV, DIY, Encore, Encore Action, Encore Drama, Encore Family, Encore Love, Encore Suspense, Encore Westerns, Game Show Network (GSN), Gospel Music Channel, Great American Country, MC (Music Choice), Movieplex, NHL Center Ice, Ovation, Playboy, Sprout, Starz, Starz Cinema, Starz Comedy, Starz Edge, Starz in Black, Starz Kids & Family, TuTV Bandamax, TuTV De Pelicula, TuTV De Pelicula Classico, and Youtoo TV remain in effect on a month to month basis, but we may have to cease carriage in all formats if our authority to continue is withheld.

Additionally, our agreement with Gol TV expires on June 18, 2012, and with Food Network and TruTV on June 30, 2012, and we may have to cease carriage in all formats if our authority to continue is withheld. We are working diligently at this time to come to acceptable and fair terms with all of these channels. We will no longer carry KERO News Now, digital channel 84, as of July 1, 2012.

Effective July 1, 2012, Azteca America will be carried in a digital format-only on a basic service tier.

Bright House Networks is continuing its commitment to bring new technology and advanced digital services to our community. To that end, we have implemented a new digital video delivery technology known as Switched Digital Video (SDV). SDV is a robust bandwidth-management system that makes it possible to offer more digital video programming services including new HD channels.

In order to offer more new video services, Bright House Networks will be adding new programming on the SDV system.

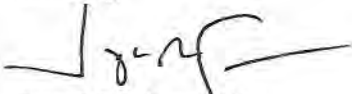
Beginning on or after July 1, 2012, the following services were delivered on the SDV system:

MTV2 HD (Digital Variety)	Channel 1805
TV Land HD (Standard)	Channel 1503

When delivered on the SDV system, the above channels will become bi-directional (or two-way) services and will continue to be available to all Bright House Networks customers who subscribe to our digital services and lease a digital set-top box or tuning adapter capable of supporting two-way services.

For more information on Bright House Networks programming, please call 1-661-323-4892 or visit our website at brighthouse.com.

Sincerely,



Joseph R. Schoenstein
Division President