

City Hall
City of Calipatria
August 24, 2010
6 PM

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF CALIPATRIA

MINUTES

PLEASE TURN OFF ALL ELECTRONIC DEVICES

CALL TO ORDER: 6 pm

PLEDGE OF ALLEGIANCE: *IPC Mara*

INVOCATION: *B. Smerdon; city attorney*

ROLL CALL: Mayor Peter Fuentes, Mayor Pro Tem Raul Navarro, Brian Smith, Fred R. Beltran, Trevor Green

PRESENT: *Beltran, Navarro, Fuentes*

ABSENT: *Smith, Green*

ALSO PRESENT: *K. Lopez, B. Smerdon, IPC Mara, R. Medina*

MAYOR'S MESSAGE/PUBLIC COMMENT

At this time the Council will hear comments on any agenda item and on any item not on this agenda. Personal attacks on individuals, slanderous comments or comments that may invade an individual's privacy are prohibited. If you wish to be heard, please stand and address yourself to the Mayor, we request that you limit your remarks to no more than three (3) minutes. *NO COMMENT*

MOTION: *Beltran* SECOND: *Navarro* VOTE: *Carried*

ADJOURN TO PUBLIC HEARING

(1) The purpose of this public hearing is to discuss past CDBG-R Grant #09-STAR-6386/2009/10 Fiscal Year. *City Manager gave update*

(2) The purpose of this public hearing is to discuss the formation of an Energy and Water Efficiency Assessment District and adoption of the California Assessed Clean Energy (PACE) Program. *Michael Chapin gave information on this topic.*

MOTION: *Navarro* SECOND: *Beltran* VOTE: *Carried*

CLOSE PUBLIC HEARING AND RECONVENE TO OPEN SESSION

INFORMATION REPORTS

Police Report

CDBG—ED- Micro-Enterprise Façade Improvement Loan Program- August Report

MOTION: SECOND: VOTE:

CONSENT AGENDA

1. Warrants

2. Minutes- July 27th

NEW BUSINESS

MOTION: *Beltran* SECOND: *Navarro* VOTE: *Carried*

RESOLUTION 10-46 C. Hoff; city clerk

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA APPOINTING A LEAGUE OF CALIFORNIA CITIES VOTING DELEGATE FOR THE 2010 LEAGUE CONFERENCE- SEPTEMBER 15-17 2010

THEREFORE BE IT RESOLVED that the city council of the City of Calipatria appoint *Trevor Green* as the City of Calipatria voting delegate and *Peter Fuentes* as an alternate voting delegate for the 2010 League of Cities annual conference.

Beltran motions to table to September 14th

MOTION: SECOND: VOTE:

RESOLUTION 10-47 K. Lopez; finance director

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA APPROVING THE 2010/2011 TENTATIVE BUDGET

THEREFORE BE IT RESOLVED that the Calipatria City Council approve the 2010/2011 Tentative Budget

MOTION: *Navarro* SECOND: *Beltran* VOTE: *Carried*

RESOLUTION 10-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA, CALIFORNIA, APPROVING THE FORMATION OF THE ENERGY AND WATER EFFICIENCY ASSESSMENT DISTRICT AND ADOPTION OF THE CALIFORNIA PROPERTY ASSESSED CLEAN ENERGY (CA PACE) PROGRAM AND RELATED REPORT PURSUANT TO CHAPTER 29 OF PART 3 OF DIVISION 7 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE; CONFIRMING THE BOUNDRIES OF THE ASSESSMENT DISTRICT AND THE LEVY OF CONTRACTUAL ASSESSMENTS; AUTHORIZING PARTICIPATION IN THE PACIFIC HOUSING & FINANCE AGENCY CA PACE PROGRAM; AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Calipatria (the "City") is a municipal corporation organized and existing pursuant to the laws of the State of California; *and*

WHEREAS, the Pacific Housing & Finance Agency ("PHFA") is a joint powers financing agency and has established an energy and water efficiency loan program known as the California Property Assessed Clean Energy (CA PACE) program (the "Program") pursuant to Chapter 29 of Part 3 of division 7 of the California Streets and Highways Code (the "Act"); *and*

WHEREAS, through its CA PACE Program, the PHFA facilitates assessment financing to property owners within PHFA's participating member jurisdictions for the financing of energy and water saving property improvements; *and*

WHEREAS, pursuant to the Act and the CA PACE program, the PHFA requires its participating member jurisdictions to form a contractual assessment district, and the PHFA will loan participating property owners within the assessment district funds secured by an assessment lien on the subject property; *and*

WHEREAS, the PHFA Program provides for the funding and administration of the assessment district for its member jurisdictions; *and*

WHEREAS, on June 22, 2010, the city council adopted its Resolution 10-31 (the “Resolution of Intention”), declaring its intention to form an Energy and Water Efficiency Assessment District pursuant to the Act for the purpose of participating in the PHFA CA PACE Program to finance distributed generation renewable energy sources and energy and water efficiency improvements within the geographical boundaries of the city; *and*

WHEREAS, the Resolution of Intention ordered the City’s Authorized Officer to prepare and file a report (the “Report”) with the City Clerk in accordance with Section 5898.22 of the Act and the Director has filed the Report with the City Clerk; *and*

WHEREAS, the Resolution of Intention set the time and place for a hearing on the proposed formation of the assessment district; *and*

WHEREAS, the Resolution of Intention described the proposed funding of the CA PACE Program from the proceeds of bonds issued by the PHFA; *and*

WHEREAS, on August 24, 2010, following notice duly given in accordance with law, the city council held a full and fair public hearing at which interested persons were afforded the opportunity to object to, inquire about, or provide evidence with regard to the proposed assessment district or any of its particulars, including the extent of the area proposed to be included within the assessment district, the terms and conditions of the draft contract (described below), or the proposed financing provisions; *and*

WHEREAS, the Report contains (a) a map showing the boundaries of the assessment district as the geographical boundaries of the City, (b) a draft application for participation in the Program (the “Application”), (c) a draft contract (the “Contract”) specifying the terms and conditions upon which a property owner and the PHFA agree to participation in the CA PACE Program, (d) a statement of city policies concerning contractual assessments including: (1) identification of types of facilities, distributed generation renewable energy sources, or energy and water efficiency improvements that may be financed through the use of contractual assessments (the “Authorized Equipment List”), (2) identification of a city official to direct the Executive Director of PHFA to enter into the Contract on behalf of the assessment district, (3) a maximum aggregate dollar amount of contractual assessments, (4) a method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount of contractual assessments, (e) a plan for the issuance of bonds by the PHA, (f) a statement of, or method for, determining the interest rate and time period during which contracting property owners would pay assessments, (g) the establishment of any reserve fund or funds, (h) the apportionment of all or any portion of the costs incidental to financing, administration of the assessment district between the assessment district and contractual assessment property owners, and (i) a report on the results of the consultations of the County Auditor-Controller’s office; *and*

WHEREAS, the city council, having considered all oral and written testimony, desires to approve the formation of the Energy and Water Efficiency Assessment District and participation in the CA PACE Program; *and*

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALIPATRIA HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1: The above recitals are all true and correct and are incorporated herein by this reference.

Section 2: The city council declares that the Report as filed is hereby approved.

Section 3: The city council hereby establishes the Energy and Water efficiency Assessment District (the “Assessment District”) to be implemented as provided for by the CA PACE Program and related Report. The city council hereby finds and determines that

the property within the area of the Assessment District will be benefited by the improvements and activities funded by the assessments.

Section 4: The city council hereby confirms the contractual assessments to be levied within the parameters of the CA PACE Program Report.

Section 5: The city council hereby appoints and designates the Executive Director of the PHFA to administer the Assessment District in connection with the Program. The Executive Director of PHFA is hereby authorized and directed to file with the City Treasurer and to revise, as appropriate, a list of the parcels for which the PHFA and a property owner have entered into a contractual assessment agreement (each, a "Loan Agreement") pursuant to the Program as and when such Loan Agreement(s) are entered.

Section 6: Upon the execution of any Loan Agreement by all parties thereto pursuant to the Program, the Executive Director of the PHFA is hereby directed to cause to be recorded in the office of the Superintendent of Streets and in the office of the County Recorder of the County of Imperial an assessment lien on the subject property in the form as provided in the CA PACE Program Report.

Section 7: The City Manger and City Clerk are hereby authorized and directed to do all acts and things which may be required of them by this Resolution, or which may be necessary or desirable in connection with the Assessment District and carrying out the CA PACE Program and all matters incidental thereto, including without limitation, to make clarifying changes to the Report and to modify as deemed necessary by the Director of the PJFA or the City Manager, the Authorized Equipment List, the draft Application and the draft Contract included therein.

MOTION: *Navarro* SECOND: *Fuentes* VOTE: *Carried*

RESOLUTION 10-50- The Holt Group and City Manager

A RESOLUTION OF THE CITY OF CALIPATRIA APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84)

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; *and*

WHEREAS, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; *and*

WHEREAS, said procedures established by the Strategic Growth Council require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; *and*

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the development of the proposal.

NOW THEREFORE LET IT BE RESOLVED, that the City Council of the City of Calipatria determines as follows:

1. Approves the filing of an application to secure services for the preparation of a Zoning Ordinance and General Plan in order to become a sustainable community;
2. Certifies that applicant understands the assurances and certification in the application, and
3. Certifies that applicant or title holder will have sufficient funds to develop the Proposal or will secure the resources to do so, and
4. Certifies that the Proposal will comply with any applicable laws and regulations.
5. Appoints the City Manager or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements,

payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

MOTION: *Navarro* SECOND: *Beltran* VOTE: *Carried*

RESOLUTION 10-51 R. Medina, City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA APPROVING THE AWARD OF CONTRACT FOR THE DELTA STREET SEWER PUMP STATION IMPROVEMENT

WHEREAS, the City of Calipatria has received a Community Development Block grant Recovery Program (CDBG-R) General Allocation component award. Funding for the CDBG-R Program is available pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA); *and*

WHEREAS, the project includes improvements to the lift station at the intersection of W. Delta and North International Av.; *and*

WHEREAS, the improvement plans, specifications and contract documents have been prepared and have been reviewed and approved by the State of California Department of Housing & Community Development; *and*

WHEREAS, a bid opening for the City of Calipatria Delta Street Sewer Pump Station Improvement was conducted at Calipatria City Hall on August 23, 2010 and the apparent low bid was submitted by **Pacific Hydrotech** and in the amount of **\$ 550, 700.00** ; *and*

WHEREAS, the proposal submitted by **Pacific Hydrotech** reviewed and the Engineer has determined **Pacific Hydrotech** submitted lowest, responsive, responsible proposal, *and*
NOW THEREFORE BE IT RESOLVED, the city council of the City of Calipatria does hereby award the Delta Street Sewer Pump Station Improvement to **Pacific Hydrotech** in the amount of **\$550,000.00.**

Navarro motions to table until next meeting

MOTION: SECOND: VOTE:

RESOLUTION 10-52 R. Medina; City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA AUTHORIZING THE CITY MANAGER TO EXECUTE A PROJECT DEVELOPMENT AGREEMENT BETWEEN

City of Calipatria
125 North Park Avenue
Calipatria, CA 92233

AND

Johnson Controls, Inc.
12393 Slauson Avenue
Whittier, CA 90606

WHEREAS, the Project Development Agreement (PDA) is to confirm the intent of City of Calipatria and Johnson Controls, Inc. (JCI) to develop a Renewable Energy and Energy Savings Performance Contract (ESPC); *and*

WHEREAS, this Agreement will provide the basis of the scope of the PDA, the obligations of both parties, the technical and financial requirements to be met and the intended outcome and timeline; *and*

WHEREAS, If JCI meets or exceeds the stipulated requirements in Sections 1- Scope of Work and Section 2 – Financial Goals and City of Calipatria fails to enter into the ESPC for any reason, City of Calipatria shall compensate JCI in the amount of \$45,000 within sixty (60) days after the delivery of the documentation described within Sections 1- Scope of Work and Section 2 – Financial Goals of the Agreement; *and*

THEREFORE BE IT RESOLVED, the City of Calipatria City Council authorize the City Manager to enter into a Project Development Agreement with Johnson Controls, Inc., not to exceed \$ 45,000.00 if the City decides not to accept the project developed;

MOTION: *Beltran* SECOND: *Navarro* VOTE: *Carried*
ADJOURN TO REDEVELOPMENT AGENCY

MOTION: *Navarro* SECOND: *Beltran* VOTE: *Carried*

RESOLUTION 10-49- The Holt Group and Agency Director
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF CALIPATRIA
PROVIDING MATCHING FUNDS FOR A SUSTAINABLE COMMUNITIES PLANNING
GRANT AND INCENTIVES PROGRAM
FUNDED BY PROPOSITION 84, CHAPTER 9

WHEREAS, The City of Calipatria intends to submit an application to the California Department of Conservation for a Sustainable Communities Planning Grant and Incentives Program for the Economic 2009-10 funding cycle in the amount of \$105,000.00; *and*

WHEREAS, the Planning Grant will provide needed funding to procure planning services to prepare a General Plan Update and Zoning Ordinance Update that will result in increased affordable housing opportunities and infill development within the Redevelopment Zone; *and*

WHEREAS, the use of funds is an allowable expense under the Calipatria Redevelopment Agency (RDA) Plan and the preparation of these documents are critical for the revitalization and stimulation of economic development within the RDA Project Area; *and*

WHEREAS, administration costs associated with environmental clearance and document adoption are not covered by the Sustainable Communities Planning Grant and will necessitate a contribution of local funds in the amount of \$25,000.00; *and*

NOW THEREFORE, The Redevelopment Agency of the City of Calipatria approves commitment of the City's Redevelopment Agency (RDA) funds in the amount of **\$25,000.00** to be utilized as leverage for a total project cost of \$130,000.

DISSCUSSION/DIRECTION

CRDA- Blight Removal Program- Agency Chairman

Have spoken with Marshall Linn of Urban Futures blight- looking at a loan/grant to help residents. Will come back to RDA board.

MOTION: *Beltran* SECOND: *Navarro* VOTE: *Carried*
RECONVENE FROM RDA; AND ADJOURN TO CLOSED SESSION

Real property negotiations; Govt Code 54956.9

1 case- 101 South Lake- *direction to city manager*

CPOA Labor Negotiations 54957.8- *direction to negotiator*

MOTION: *Beltran* SECOND: *Navarro* VOTE: *Carried*
RECONVENE TO OPEN SESSION

COUNCIL REPORTS:

Beltran: we need more police presence at the school

Smith: absent

Green: *absent*

Navarro: *took five kids to the little league basketball camp*

Fuentes: *received an email about graffiti- can attorney write up a consensual form for home owners?*

Medina: *started the CNG line; final job walk through for the Main Street project. Started the Hernandez Park ball field; have paint for the light poles. Have had residents come to city hall inquiring about the water rate increases.*

Smerdon: *time is up for the Calipat Growers*

MOTION: *Beltran* SECOND: *Navarro* VOTE: *Carried*

ADJOURN:

TIME: *7:13pm*