RESOLUTION NO. 2019-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL, AUTHORIZATION TO IMPLEMENT CITY’S INFRASTRUCTURE MODERNIZATION PROGRAM PURSUANT TO GOVERNMENT CODE SECTION 4217.10-18, MAKING CERTAIN FINDINGS REQUIRED AND THEREFORE AUTHORIZING RELATED ACTIONS

WHEREAS, the City of Bell ("City") finds it to be in the best interest of the City to implement projects to promote energy efficiency and sustainability through the modernization of aging infrastructure to improve City livability and achieve operating budget cost reductions;

WHEREAS, Government Code sections 4217.10 through 4217.18 authorize The City Council of The City of Bell to enter into one or more energy service agreements with any person or entity if the anticipated cost to the City for energy conservation services provided under the agreement is less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City in the absence of the agreement ("Savings");

WHEREAS, Government Code sections 4217.10 through 4217.18 authorize The City Council of The City of Bell to enter into one or more facility financing contracts if funds for the repayment thereof are projected to be available from the Savings, representing funds that otherwise would have been used for purchase of electrical, thermal, or other energy required by the City in the absence of the energy conservation services and facilities financed by proceeds available through the facility financing contracts;

WHEREAS, Government Code sections 4217.10 through 4217.18 require that a public hearing be held, and public comment be taken, at a regularly scheduled meeting of the City’s Governing Council, at which meeting the City’s Governing Council may consider and adopt the findings described herein and award energy services contracts and facility financing contracts based thereon, and that notice thereof be must be given at least two weeks prior to the meeting;

WHEREAS, the City gave notice of its intent to conduct a public hearing and take public comment upon the subject matter of this Resolution two weeks prior to the regularly scheduled public meeting of the City’s Governing Council at which the Governing Council has held a public hearing and taken public comment and has now considered this Resolution, all as required under Government Code sections 4217.10 through 4217.18;

WHEREAS, the Council and City staff reviewed the qualifications presented by Climatec LLC to provide design/build services and performance assurance for the energy infrastructure modernizations and found Climatec LLC’s qualifications to be bona fide and adequate;

WHEREAS, The City Council of the City of Bell received information presented by City Staff and Climatec LLC at the January 23, 2019 Council Meeting, and such information ("Analysis," Exhibit A) demonstrates that the cost the City of Bell Infrastructure Modernization Program is less than the anticipated marginal cost of energy the City would have consumed in the absence of the Program;

WHEREAS, Climatec LLC has proposed design/build implementation and performance assurance services ("Agreements," Exhibit B) for the infrastructure modernizations including the replacement of aging HVAC equipment, modernizing facility building automation systems, LED
lighting modernizations, faucet upgrades, flush valve upgrades, toilet upgrades, irrigation control system, the addition of park lighting for safety, and solar PV.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL DOES HEREBY:

SECTION 1. Recitals. All of the recitals herein contained are true and correct.

SECTION 2. Adoption of the Required Findings. The City Council of The City of Bell finds that the cost of City of Bell Infrastructure Modernization Program is less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City in the absence of the Program and that it is in the best interest of the City to approve and enter into the Agreements with Climatec LLC and U.S. Bancorp Government Leasing and Finance Inc. pursuant to Government Code sections 4217.10 through 4217.18.

SECTION 3. Approval of Agreements for the Energy Conservation Program. The form of the Agreements by and between the City and Climatec LLC, presented herewith is hereby approved, subject to final approval by the City Manager, Administrative Services or City Council. The City Manager or Administrative Services is hereby authorized and directed, for and in the name of and on behalf of the City, to execute and deliver to Climatec LLC the Agreements and related documents as necessary for the implementation of a City of Bell Infrastructure Modernization Program.

SECTION 4. Approval of the Associated Equipment Lease/Purchase Agreement with U.S. Bancorp Government Leasing and Finance Inc. The form of the Equipment Lease/Purchase Agreement by and between the City and U.S. Bancorp Government Leasing and Finance Inc., is hereby approved, subject to final approval by the City Manager, Finance Director and City Council. The City Manager or Finance Director is hereby authorized and directed, for and in the name of and on behalf of the City, to execute and deliver to U.S. Bancorp Government Leasing and Finance Inc. the Equipment Lease/Purchase Agreement and related documents as necessary.

SECTION 5. Effective Date. This Resolution shall take effect upon adoption.

PASSED, APPROVED, AND ADOPTED this 24th day of April 2019.

Ali Saleh, Mayor

ATTEST:

Angela Bustamante, City Clerk

APPROVED AS TO FORM:

David Aleshire, City Attorney
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Bell City Council at its regular meeting held on the 24th day of April 2019, by the following vote:

AYES: Councilmembers Gallardo, Quintana, Valencia, Vice-Mayor Romero and Mayor Saleh

NOES: None

ABSENT: None

ABSTAIN: None

[Signature]

Angela Bustamante, City Clerk

Resolution 2019-13
Page 3