

**RESOLUTION NO. 2023-53**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA,  
CALIFORNIA MAKING FINDINGS ON AN ENERGY SERVICES CONTRACT AND  
FACILITY FINANCING CONTRACT FOR AN ENERGY EFFICIENCY PROJECT  
REQUIRED UNDER CALIFORNIA GOVERNMENT CODE SECTION 4217.10 ET  
SEQ. AND AUTHORIZING AN ENERGY SERVICES CONTRACT**

**WHEREAS**, it is the policy of the State of California and the intent of the State Legislature to promote all feasible means of energy conservation and all feasible uses of alternative energy supply sources, and the City of Coachella (“City”) desires to reduce the City’s energy costs and energy consumption through the installation of energy efficiency measures throughout the City; and

**WHEREAS**, Government Code section 4217.12 (“Section 4217.12”) permits the City to enter directly into an energy services contract to design and construct energy conservation facilities if the City Council finds at a regularly scheduled public hearing noticed at least two weeks in advance that “the anticipated cost to the public agency for thermal or electrical energy or conservation services provided by the energy conservation facility under the contract will be less than the anticipated marginal cost to the public agency of thermal, electrical, or other energy that would have been consumed by the public agency in the absence of those purchases;” and

**WHEREAS**, after discussions with several firms that provide design and construction services for the installation of energy conservation facilities and energy conservation facilities, Alliance Building Solutions, Inc. (“ABS”) offered to design and construct certain energy conservation facilities and City-wide energy conservation measures as further described in **Exhibit A** attached hereto and incorporated herein by reference (“Energy Improvements” or “Project”);

**WHEREAS**, ABS provided the City with analysis showing the benefits of implementing the Energy Improvements, and ABS’ analysis is attached hereto as **Exhibit B** and incorporated herein by this reference (“Energy Analysis”); and

**WHEREAS**, the Energy Analysis includes data showing that the anticipated cost to the City for the electrical energy and conservation services provided by the Project will be less than the anticipated marginal cost to the City of electrical and other energy that would have been consumed by the City in the absence of such measures; and

**WHEREAS**, the City proposes to enter into (i) the Design and Construction of Energy Conservation Measures with ABS in the form attached hereto as **Exhibit C** and incorporated herein by reference (“Energy Services Contract”), which provides that ABS will design and construct the Energy Improvements in return for compensation not to exceed **\$15,429,458**; and (ii) the Monitoring and Verification Agreement with ABS in the form attached to the Energy Services Contract as Exhibit G thereto (“MV Agreement”); and

**WHEREAS**, the City Council desires to enter into the Energy Services Contract and MV Agreement with ABS, substantially in the forms presented at this meeting, subject to any changes, insertions or omissions as the City Manager in consultation with the City Attorney reasonably

deems necessary following the City Council's adoption of this Resolution, and so long as the effectiveness of the Energy Services Contract and MV Agreement with ABS is conditioned upon the City obtaining financing for the Project; and

**WHEREAS**, in accordance with Government Code section 4217.10 *et seq.*, not less than fourteen (14) days before the meeting where this Resolution was considered, the City posted notice of a public hearing at which the City Council would consider this Resolution.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Coachella, resolve, declare, determine and order as follows:

**Section 1. Incorporation of Recitals**

The City Council hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the City Council as fully set forth in this resolution.

**Section 2. Notice of Public Hearing (Gov. Code, § 4217.10, *et seq.*)**

This Resolution is adopted following a public hearing at a regularly scheduled City Council meeting for which a minimum of two weeks' public notice has been duly given.

**Section 3. Best Interests Finding**

The terms of the Energy Services Contract and MV Agreement, all in the forms presented to this meeting, are in the best interests of the City.

**Section 4. Energy Savings Finding (Gov. Code, § 4217.12)**

In accordance with Section 4217.12, and based on data provided by the Energy Analysis, the City Council finds that the anticipated cost to the City for electrical energy and conservation services provided by the Energy Improvements will be less than the anticipated marginal cost to the City of electrical and other energy that would have been consumed by the City in the absence of the Energy Improvements.

**Section 5. Approval of Energy Services Contract**

Subject to the revisions and financing contingency described in Section 7 below, the City Council hereby authorizes the City Manager or designee to enter into the Energy Services Contract and MV Agreement with ABS, in accordance with Section 4217.12, which shall only be binding upon execution by the City Manager or designee; provided that such approval is conditioned upon the City obtaining financing for the Project.

**Section 6. Revision and Financing Contingency**

The City Manager in consultation with the City Attorney is hereby authorized and directed, to the extent necessary, to negotiate any further changes, insertions and omissions to the Energy Services Contract and MV Agreement the City Attorney reasonably deems necessary, and shall only execute each agreement upon approval by the City attorney. The City Council's authorization

to enter into the Energy Services Contract and MV Agreement, in accordance with Section 4217.12, is fully contingency on the City obtaining financing for the Project and the City Attorney's final approval. The City Manager is further authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and said agreements.

**Section 7. Immediate Effect**

This Resolution shall take effect immediately upon its passage.

**PASSED, APPROVED and ADOPTED** this 26th day of July 2023.

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Steven A. Hernandez  
Mayor

**ATTEST:**

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Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )

**I HEREBY CERTIFY** that the foregoing Resolution No. 2023-53 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 26th day of July 2023, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Delia Granados  
Deputy City Clerk

## EXHIBIT A

### ENERGY IMPROVEMENTS

Site	Address	Energy Improvements
Bagdouma Park (“Site 1”)	51251 Douma Street Coachella, CA 92236	Interior Lighting Exterior Lighting Pumps
Rancho Las Flores Park (“Site 2”)	48400 Van Buren Street Coachella, CA 92236	Exterior Lighting
Public Works Building (“Site 3”)	53462 Enterprise Way Coachella, CA 92236	Interior Lighting Exterior Lighting HVAC Controls
Wastewater Treatment Plant (“Site 4”)	87075 Avenue 54 Coachella, CA 92236	Solar – 516.8 kW Process Optimization
Civic Center (“Site 5”)	53990 Enterprise Way Coachella, CA 92236	HVAC HVAC Controls Solar – 72.2 kW 2x2 – Charging Stations (4 cars)
City-Wide (“Site 6”)		Street Lights 130 units of Protect 900 Decorative Lights
Bagdouma Park Community Center (“Site 7”)	51251 Douma Street Coachella, CA 92236	Interior HVAC Controls

**EXHIBIT B**

**ENERGY ANALYSIS**

*[Document Begins on the Following Page]*

**EXHIBIT C**

**ENERGY SERVICES CONTRACT**

*[Document Begins on the Following Page]*