



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
April 19, 2011
7:00 PM**

*Times set forth for the agenda items are estimates.
Items may be heard before or after the times designated.*

I. CALL TO ORDER (7:00 PM):

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC.

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS.

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Soltrans Public Advisory Committee: Three Full Terms
Open until Filled

Sky Valley Open Space Committee: One full term to January 31, 2015
Open until filled

Civil Service Commission: One full term to January 31, 2015
Open until filled

Building Board of Appeals: Three full terms to January 31, 2015
Open until filled

Solano Transportation Authority Pedestrian Advisory Committee:
One full term to January 31, 2014
Open until filled

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

4. Benicia Arsenal Update:

B. APPOINTMENTS.

C. PRESENTATIONS.

- 1. Open Government Annual Report**
- 2. Update on Caltrans Landscaping Projects –
Jeanne Gorham and Mo Pazooki, Caltrans**

D. PROCLAMATIONS.

- 1. In Recognition of California Native Plant Week - April 17 - 23, 2011**
- 2. In Recognition of Earth Day - April 22, 1011**
- 3. In Recognition of Child Abuse Prevention Awareness Month**

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:30 PM):

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

A. Approval of Minutes of the Special Meeting of March 22, 2011 the Special and Regular Meeting of April 5, 2011 and the Special Meeting of April 6, 2011. (City Clerk).

B. DENIAL OF THE CLAIM AGAINST THE CITY BY CSAA/LARRY YOST AND REFERRAL TO INSURANCE CARRIER. (City Attorney)

Claimant alleges that a city owned tree caused roots to damage the sidewalk in front of his residence. This is not a city-owned tree.

Recommendation: Deny the claim against the City by CSAA/Larry Yost.

C. DENIAL OF THE CLAIM AGAINST THE CITY BY QUAN LY AND REFERRAL TO INSURANCE CARRIER. (City Attorney)

Claimant alleges that a city pothole damaged her left front tire.

Recommendation: Deny the claim against the City by Quan Ly.

D. APPROVAL OF A WIRELESS COMMUNICATION LEASE AGREEMENT AT 257 ESSEX WAY WITH NEW CINGULAR WIRELESS PCS, LLC. (Acting Economic Development Manager)

The proposed lease agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company AT&T will allow installation of a wireless communication facility on City-owned property located at 257 Essex Way. The proposed communication facility will allow improved cellular access to Benicia residents. The lease will provide the City an initial, upfront rent payment of \$150,000, with future monthly rent payments of \$3,000 per month increasing by three percent each year.

Recommendation: Adopt a resolution approving a Lease Agreement between the City of Benicia and New Cingular Wireless PCS, LLC, to install a wireless communication facility consisting of twelve (12) panel antennas mounted to twelve (12) ground-mounted poles at 257 Essex Way, and authorizing the City Manager to execute the agreement on behalf of the City.

- E. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**

VIII. PUBLIC HEARINGS:

A public hearing should not exceed one hour in length. To maximize public participation, the council requests that speakers be concise and avoid repetition of the remarks of prior speakers. Instead, please simply state whether you agree with prior speakers.

IX. ACTION ITEMS (7:50 PM):

- A. AUTHORIZE PURCHASE OF COMMUNITY CENTER FURNITURE. (Parks and Community Services Director)**

Purchase furniture for the program rooms, conference room and multi-purpose room for the Community Center.

Recommendation: Adopt the Resolution authorizing the purchase of furniture from Krueger International and authorize the Finance Director to sign a purchase order on behalf of the City in the amount of \$87,619.28.

- B. AWARD OF CONSULTANT CONTRACT FOR PROFESSIONAL SERVICES FOR THE 2011 SUSTAINABILITY EDUCATIONAL WORKSHOPS. (Public Works and Community Development Director)**

City staff does not have the expertise to perform this work in-house, and the consultant has the faculty expertise necessary for this specialized project. The 2011 Sustainability Educational Workshops are intended to educate the community about building a sustainable economy and about ways to reduce greenhouse gas emissions.

RECOMMENDATION: Receive a presentation from Community Sustainability Commission Vice-Chair Beutel and consider the Commission's recommendation to adopt a resolution approving a contract for professional services with Dominican University of California for a not-to-exceed cost of \$24,000, an additional \$5,000 for costs related to providing the Educational Workshops, and authorizing the City Manager to sign the contract on behalf of the City.

C. AWARD OF CONSULTANT CONTRACT FOR THE UPDATE OF THE SUSTAINABLE DEVELOPMENT WEBSITE. (Public Works and Community Development Director)

City staff does not have the expertise to perform this work in-house. Plumblin Studios has the expertise necessary for this specialized project. The sustainable development website will increase public awareness and education about sustainability and the Climate Action Plan.

RECOMMENDATION: Receive a presentation from Community Sustainability Commission Vice-Chair Beutel and consider the Commission's recommendation to adopt a resolution approving a contract for services with Plumblin Studios for a not-to-exceed cost of \$14,000 and authorizing the City Manager to sign the contract on behalf of the City.

D. AMENDING THE CITY COUNCIL RULES OF PROCEDURE. (City Attorney)

At the January 25, 2011 City Council meeting, the Council reviewed its Rules of Procedure and the process of putting items on the Council agenda. As a result of the discussion, changes were proposed to the Rules. The attached document incorporates those changes.

RECOMMENDATION: Adopt the resolution approving amendments to the City Council Rules of Procedure.

E. CONSIDERATION OF AMENDMENTS TO THE FUND BALANCE RESERVE POLICY AND THE BALANCED OPERATING BUDGETS POLICY. (Finance Director)

The City Council adopted the Fund Balance Reserve Policy and the Balanced Operating Budget Policy in April 2004 and in March 2011 directed that staff review the strengths and weaknesses of the policies in light of current economic conditions. The Finance, Audit and Budget Committee reviewed the policies on March 25, 2011 and formed an Ad Hoc Committee to finalize recommendations for presentation to the City Council.

RECOMMENDATION: Adopt the Resolution approving amendments to the Fund Balance Reserve Policy and the Balanced Operating Budgets Policy.

X. INFORMATIONAL ITEMS (10:00 PM):

A. City Manager Reports.

B. Council Member Committee Reports

(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)

- 1. Mayor's Committee Meeting.
(Mayor Patterson)
Next Meeting Date: May 18, 2011**
- 2. Association of Bay Area Governments (ABAG).
(Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: April 14, 2011**
- 3. Finance, Audit and Budget Committee.
(Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: April 22, 2011**
- 4. League of California Cities.
(Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: April 28, 2011**
- 5. School Liaison Committee.
(Council Members Ioakimedes and Hughes)
Next Meeting Date: June 23, 2011**
- 6. Sky Valley Open Space Committee.
(Council Members Campbell and Hughes)
Next meeting Date: May 4, 2011**
- 7. Solano EDC Board of Directors.
(Mayor Patterson and Council Member Campbell) Next Meeting
Date: May 26, 2011**
- 8. Solano Transportation Authority (STA).
(Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: April 20, 2011**

9. **Solano Water Authority-Solano County Water Agency and Delta Committee.**
(Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: May 4, 2011
10. **Traffic, Pedestrian and Bicycle Safety Committee.**
(Council Members Hughes and loakimedes)
Next Meeting Date: April 25, 2011
11. **Tri-City and County Regional Parks and Open Space.**
(Council Members Campbell and Hughes)
Next Meeting Date: June 13, 2011
12. **Valero Community Advisory Panel (CAP).**
(Council Member Hughes)
Next Meeting Date: May 4, 2011
13. **Youth Action Coalition.**
(Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: April 27, 2011
14. **ABAG-CAL FED Task Force-Bay Area Water Forum.**
(Mayor Patterson)
Next Meeting Date: June 27, 2011
15. **SOLTRANS Joint Powers Authority**
(Mayor Patterson, Council Member loakimedes)
Next Meeting Date: April 21, 2011

XI. COUNCIL MEMBERS REPORTS:

- A. Request to agendize the discussion of a methodology for use of outside consultants.**

Recommendation: Consider Council Member loakimedes request to agendize this topic for future City Council meeting.

- B. Request to agendize the discussion of a methodology the hiring of local firms.**

Recommendation: Consider Council Member loakimedes request to agendize this topic for future City Council meeting.

XII. ADJOURNMENT (10:30 PM):

Public Participation

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any

such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerks Office.

**AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
PRESENTATION**

DATE : March 4, 2011
TO : City Council
FROM : City Attorney
SUBJECT : **ACCEPTANCE OF THE ANNUAL REPORT OF THE OPEN
GOVERNMENT COMMISSION**

RECOMMENDATION:

Accept the annual report of the Open Government Commission.

EXECUTIVE SUMMARY:

In accordance with Benicia Municipal Code 4.20.010.D, the Open Government Commission is required to provide an annual report to the City Council on the implementation and compliance of Title 4 (Open Government) of the Benicia Municipal Code.

STRATEGIC PLAN:

N/A – there is not a relevant Strategic Plan Goal that relates to this agenda item.

BUDGET INFORMATION:

There is no fiscal impact from these changes.

BACKGROUND:

The officers for the open government commission for 2010 were Lois Requist, Chair, George Delacruz Vice Chair, Claire McFadden Commissioner, John Woods Commissioner, Sergeant of Arms Jim Wallace.

The officers for the open government commission for 2011 are: Chair Jim Wallace, Vice Chair Jim Pucci, Commissioner Annie Lloyd, Commissioner Anthony Shannon and Commissioner Larry Fullington.

The commission spent time this year working on ways to outreach to the community to get more involvement in the Open Government Commission.

- Last year the commission hosted the first candidate debate for the November council seat. The event was poorly attended due to the date of the event. The commission requested the council choose a different date for the event this year. The Open Government Commission is working on proposed language to amend this ordinance to allow more flexibility in the date of the event.
- The Commission reviewed and updated the Whistleblower Policy in an effort to publicize the policy, to reinforce the City of Benicia's mission to provide excellent service, and to implement the City's values of Integrity, Inclusiveness and Collaboration, Respect and Responsiveness. Council adopted the Whistleblower policy at the June 15, 2010 council meeting. Whistleblower training was conducted by the City Attorney for all commissions as well as City of Benicia Employees.
- The Commission reviewed an email from a citizen regarding campaign reporting. The Commission requested a table of campaign spending be prepared so they could review the data and address the citizens concerns. The City Attorney had summer staff prepare a breakdown of spending amounts of the candidates for a five-year period. After review, the commission requested additional information as well as some clarification be made to reconcile the figures. Some additional information was included on the table such as who won the election, contribution by type and time. The commission is considering a proposal that Campaign Disclosure in Candidate Election Ordinance 07-18 be amended to add (Monies received from outside source). This issue is still being discussed.
- The Commission was asked by members of the public to consider the application of the Open Government ordinance to groups who receive city funding. The proposal was considered when it was first drafted but ultimately was rejected. The commissioners declined to apply the open government to non-profits at this time but may consider in the future.

- The commission brainstormed several ideas on how to get residents more involved in Open Government. Commission members created a sub-committee and several ideas were noted and will be discussed at future meetings.
- Members of the Open Government Commission Claire McFadden and John Woods, gave a Power Point presentation on facilitating public participation. In spring 2009, City Council was given information regarding engaging community input at meetings. This information was presented to various commissions and boards and concluded this past year. A focus was on encouraging our citizens to take an active role in government and to include some responsibility. Ms. McFadden went over what civic engagement means and entails and that it should build a positive relationship. She related logistics and helpful ideas for meetings and workshops to encourage participation. She went over the three engagement models: Public Deliberation, Public Dialogue, and Public education. Mr. Woods followed with the benefits of public involvement and the flow of the governmental process. The justification for time and resources is a community matter, not solely government. The selection of participants, ensuring diversity, offers a broader spectrum and better participation. He said it is important to keep the public informed as the process develops.

The commission would value any input you would like to provide on any issues you would like to see the commission focus on in the coming year.

Attachment:

- Whistleblower policy

Exhibit A

WHISTLEBLOWER POLICY

The City of Benicia strives to conduct all its activities in a responsible, legal and accountable manner. In furtherance of this goal, all City of Benicia employees are encouraged to report either orally or in writing to their immediate supervisor, or alternate line of authority as hereafter described, all information of activity by a City of Benicia department or employee that may constitute:

- A violation of federal or state law or city ordinance
- Financial fraud
- Substantial or specific danger to the employee's or public's health and safety
- Unethical business conduct and practices

Any City of Benicia employee who, in good faith, reports such incidents as described above will be protected from threats or retaliation, discharge, or other types of discrimination, including but not limited to, compensation or terms and conditions of employment that are directly related to the disclosure of such reports. In addition, no employee may be adversely affected because the employee refused to carry out a directive, which in fact, constitutes fraud or is a violation of federal or state law.

Insofar as possible, the identity of the whistleblower will remain confidential. However, the City of Benicia reserves the right to disclose the identity of the whistleblower if, in the City of Benicia's absolute discretion, the identity may have to be disclosed to conduct a thorough investigation, to comply with applicable laws and/or to provide accused individuals their legal rights of defense.

Any employee who wants to report information of alleged improper activity or unlawful activity as described above should contact his or her immediate supervisor, or the supervisor's manager. If the employee is uncomfortable for any reason addressing such concerns to their supervisor or the manager of such supervisor, the employee may contact the City Manager, Administrative Services Director or City Attorney. The contact information is provided below. Employees are encouraged to provide as much specific information as possible including names, dates, places, and events that took place, the employee's perception of why the incident(s) may be a violation, and what action the employee recommends be taken. Employees will receive a reply to their report within twenty business days or as soon as practicable thereafter.

Elected officials, commissioners, citizens, contractors or any others are also encouraged to report such alleged improper activity or unlawful activity in accordance with this policy.

Contacts:

City Manager, Administrative Services Director and City Attorney
250 East L Street, Benicia, California 94510
707-746-4200 (City Manager & Administrative Services Director) 707-746-4216 (City Attorney)

The Division of Labor Standards Enforcement believes that the sample posting below meets the requirements of Labor Code Section 1102.8(a). This document must be printed to 8.5 x 11 inch paper with margins no larger than one-half inch in order to conform to the statutory requirement that the lettering be larger than size 14 point type.

WHISTLEBLOWERS ARE PROTECTED

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a state or federal rule or regulation.

Who is protected?

Pursuant to California Labor Code Section 1102.5, employees are the protected class of individuals. "Employee" means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. [California Labor Code Section 1106]

What is a whistleblower?

A "whistleblower" is an employee who discloses information to a government or law enforcement agency where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute,
2. A violation or noncompliance with a state or federal rule or regulation, or
3. With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment.

What protections are afforded to whistleblowers?

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
2. An employer may not retaliate against an employee who is a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
4. An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

Under California Labor Code Section 98.6, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

How to report improper acts

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, **call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225**. The Attorney General will refer your call to the appropriate government authority for review and possible investigation.



PROCLAMATION

In Recognition of California Native Plant Week April 17 - 23, 2011

WHEREAS, California's 6,000 native plant species, subspecies and varieties, of which over 2,150 exist only in California, provides unparalleled and unique iconic, economic, artistic, historical and environmental values to the state and make California home to more diverse plant life than all other states combined; and

WHEREAS, California's native plants include some of the oldest, tallest, and most massive living things on Earth; and

WHEREAS, The Department of Fish and Game recognizes nearly one-quarter of California's native plants as "special status plants" that warrant additional protections; and

WHEREAS, California currently contends with over 1,000 nonnative plants, some of which compete with native plant species, degrade soil, facilitate erosion and catastrophic wildfire, and alter the state's natural landscapes; and

WHEREAS, Many native California plants have played a vital role in the history of our state and our nation, compelling Congress, the Legislature, and many communities to protect the beauty, power, and grandeur of our wild places; and

WHEREAS, California's citizens have consistently supported efforts to protect our wild landscapes, including numerous areas within the Coast Redwoods, the Sierra Nevada Mountain range, and the Mojave Desert, spurring a conservation and environmental awareness that helps define California today; and

WHEREAS, California's native plants provide essential watershed protections by helping to recharge natural aquifers, filtering water flowing through mountains, hills, and valleys, lessening erosion and flooding, and enabling efforts to beautify and renew our state; and

WHEREAS, the California Legislature has declared the third week of April, each year, as California Native Plant Week.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, proclaim April 17- 23, 2011 as California Native Plant Week, and encourage community groups, schools, and citizens to undertake appropriate activities to promote native plant conservation and restoration, and to inform their neighbors and communities of the value of native plants in nature and in horticultural settings.

Elizabeth Patterson, Mayor
April 19, 2011





PROCLAMATION

In Recognition of Earth Day April 22, 2011

WHEREAS, the first Earth Day was celebrated on April 22, 1970, with the goal of inspiring environmental awareness and encouraging the conservation, protection, and appreciation of our nation's natural resources; and

WHEREAS, it is the responsibility of each of us to safeguard the environment, by recognizing that all human life depends upon the Earth and upon one another for our mutual existence, well-being, and development; and

WHEREAS, the steps we can take to protect and preserve our natural environment through education, partnerships, and positive actions should be encouraged in the City of Benicia; and

WHEREAS, the citizens of Benicia are committed not only to the protection and preservation of our environment, but also to the restoration of ecosystems and habitat; and

WHEREAS, Benicia citizens, staff, and elected officials are working closely with federal, state, local governments, and with non-governmental organizations to develop and implement regulations and ordinances specifically designed to preserve and improve our quality of life; and

WHEREAS, Benicia proudly recognizes all who participate in Earth Day, for their dedication to taking a proactive role in shaping the future of our environment.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council do hereby proclaim April 22, 2011 as Earth Day, and urge all our citizens to be mindful of local, state and national laws which protect our environment, and to join in efforts to preserve the beauty and wonder of the lands, skies, and water of the Earth in all its diversity.



Elizabeth Patterson, Mayor
April 19, 2011



PROCLAMATION

IN RECOGNITION OF APRIL 2011 AS CHILD ABUSE PREVENTION AWARENESS MONTH AND SUPPORTING THE CHILD ABUSE PREVENTION COUNCIL'S BLUE RIBBON CAMPAIGN

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, child abuse is a national tragedy with an estimated 905,000 annual victims of substantiated abuse or neglect in the United States; and

WHEREAS, 45 percent of child abuse victims with substantiated allegations experienced neglect, 12 percent were physically abused, 4.7 percent were sexually abused, 8.6 percent were emotionally or psychologically maltreated and 14 percent had an absent or incapacitated parent; and

WHEREAS, the estimated annual cost of child abuse and neglect is \$103.8 billion, according to a 2007 study conducted by Prevent Child Abuse America; and

WHEREAS, scientific studies confirm a direct link between child abuse and a significantly greater risk later in life of alcoholism, depression, drug abuse, eating disorders, obesity, sexual promiscuity, smoking, suicide and certain chronic diseases; and

WHEREAS, statistics of children who are abused and neglected escalate each year, and in Benicia California 170 reports of suspected child abuse were made between January 1, 2010 and December 31, 2010 to Child Protective Services; and

WHEREAS, effective child abuse prevention programs succeed because of collaborative partnerships created among the courts, social service agencies, schools, religious organizations, law enforcement agencies, community organizations, medical institutions, and the business community; and

WHEREAS, the Solano County Child Abuse Prevention Council and the Children's Network along with the Family Resource Center Network are sponsoring the Solano Blue Ribbon Campaign to heighten awareness of the need to support families; and

WHEREAS, all Solano County residents should become more aware of child abuse and its prevention within the community and become involved in supporting parents and other caregivers to raise their children in safe, nurturing environments.

NOW, THEREFORE, BE IT RESOLVED, that I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, hereby recognizes April 2011 as Child Abuse Prevention Month and calls upon all residents to increase their participation in efforts to prevent child abuse, thereby strengthening our communities.

Elizabeth Patterson, Mayor
April 19, 2011



MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
March 22, 2011

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 6:00 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

Anne Cardwell led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

III. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

IV. STUDY SESSION:

A. UPDATE OF STRATEGIC PLAN

Council and Staff discussed the City's Strategic Plan (For specific details, the audio file can be reviewed on the City's website, or copies can be obtained in the City Clerk's office.)

V. ADJOURNMENT:

The meeting was adjourned at 7:51 p.m.

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
April 05, 2011

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 6:00 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Mayor Patterson led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

III. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

None

IV. CLOSED SESSION:

Heather McLaughlin, City Attorney, read the announcement of Closed Session.

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)

Name of case: Mary Wika v. City of Benicia

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)

Name of case: City of Benicia v. Lighthouse Covenant Church et al.

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)

Name of case: Knowles v. City of Benicia

V. ADJOURNMENT:

Mayor Patterson adjourned the meeting to Closed Session at 6:02 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
April 05, 2011

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 7:09 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

Council Member Campbell arrived at 7:12 p.m.

B. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

1. Announcement of action taken at Closed Session, if any.

Ms. McLaughlin reported that Council gave direction to Staff on all Closed Session items.

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee: One full term to January 31, 2015

Civil Service Commission: One full term to January 31, 2015

Building Board of Appeals: Three full terms to January 31, 2015

Solano Transportation Authority Pedestrian Advisory Committee: One full term to January 31, 2014

Community Sustainability Commission: One unexpired term to January 31, 2012

Soltrans Public Advisory Committee: Three full terms

3. **Mayor's Office Hours:**
4. **Benicia Arsenal Update:**

B. APPOINTMENTS

1. **Appointment of John Furtado to the Sky Valley Open Space Committee for a full term to January 31, 2015.**

RESOLUTION 11-39 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JOHN FURTADO TO THE SKY VALLEY AND OPEN SPACE COMMITTEE TO A FULL TERM ENDING JANUARY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Hughes, loakimedes, Campbell

Noes: (None)

2. **Appointment of Robert S. Plath to the Sky Valley Open Space Committee for a full term to January 31, 2015.**

RESOLUTION 11-40- A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ROBERT S. PLATH TO THE SKY VALLEY AND OPEN SPACE COMMITTEE TO A FULL TERM ENDING JANUARY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Hughes, loakimedes, Campbell

Noes: (None)

C. PRESENTATIONS

1. **Chuck Rieger - Solano Center for Business Innovation**

Mr. Rieger reviewed a PowerPoint presentation.

Council Member Hughes and Mr. Rieger discussed what was being done to ensure the contractors were certified.

Mayor Patterson inquired about the payback periods for the basic and advanced (information not available at this time).

Public Comment:

Robert Kerns - Mr. Kerns discussed the issue of water watershed.

D. PROCLAMATIONS

1. **In Recognition of National Library Week - April 10 - 16, 2011**

**2. In Recognition of National Public Safety Telecommunicators Week
- April 10 - 16, 2011**

3. In Recognition of National Volunteer Week - April 10 - 16, 2011

Public Comment:

Constance Beutel - Dr. Beutel thanked Council and Staff for their support of the volunteers.

V. ADOPTION OF AGENDA:

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Agenda, as presented, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items submitted by Staff.

B. PUBLIC COMMENT

Marilyn Bardet - Ms. Bardet discussed the free public lecture series and workshops being offered by Solano Community College and the Sustainability Commission.

Dennis Lowry - Mr. Lowry discussed the meeting he had with various City Department heads. He apologized for a misconception he had regarding the City paying for time not worked.

Gene Doherty - Mr. Doherty discussed the possibility of the two State Parks being closed in Benicia. He announced the Earth Day Event on 4/16/11, California Native Plant Week, and the upcoming Spring Native Plant Sale.

VII. CONSENT CALENDAR:

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Consent Calendar, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

Council pulled items VII.B, VII.C, and VII.D for discussion.

A. APPROVAL OF MINUTES OF THE SPECIAL AND REGULAR MEETINGS OF MARCH 15, 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the Minutes of the Special and Regular City Council meetings of March 15, 2011, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. AWARD OF A 1-YEAR CONTRACT FOR VEGETATION MANAGEMENT CONTRACTOR

RESOLUTION 11-42 - A RESOLUTION ACCEPTING THE BIDS FOR THE VEGETATION MANAGEMENT CONTRACTOR, AWARDING THE CONTRACT TO APEX GRADING OF CONCORD, CALIFORNIA, IN THE AMOUNT OF \$68,000.00, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

Council Member Campbell and Staff discussed concerns regarding cost. Council Member Campbell inquired if it would cost less over time to invest in the equipment and have City Staff do the work. Staff could look into the issue and provide Council with a report.

Mayor Patterson requested the report include the experience one has when there is a crew doing a job four weeks out of the year compared to someone who works year round, and the City's liability exposure with such a position (and the injuries that could be incurred).

Council Member Hughes requested the report include information on renting the equipment, rather than purchasing it.

Public Comment:

Marilyn Bardet - Ms. Bardet suggested the City look into the possibility of using the goats to address the vegetation issue.

Mayor Patterson summarized the recommendation was to approve this item for the current year, and Staff would provide a comprehensive report for Council, in a timely manner, for the following year.

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. APPROVAL OF CONTRACT AMENDMENT WITH CITYCENTRIC FOR MARK RHOADES TO SERVE AGAIN AS LAND USE AND ENGINEERING MANAGER POSITION ON AN INTERIM BASIS

RESOLUTION 11-43 - A RESOLUTION APPROVING A CONTRACT AMENDMENT IN A NOT-TO-EXCEED AMOUNT OF \$117,000 WITH CITYCENTRIC INVESTMENTS FOR PROFESSIONAL SERVICES AND CONSULTATION AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

Council Member Campbell and Staff discussed concerns regarding the cost (hiring an employee vs. using a contract staff person).

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Campbell, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

D. RECOMMENDATION TO AUTHORIZE \$3,000 IN VALERO/GOOD NEIGHBOR FUNDS FOR 2011 EARTH DAY EVENT

RESOLUTION 11-44 - A RESOLUTION AUTHORIZING AN EXPENDITURE OF NOT-TO-EXCEED \$3,000 IN FUNDS FROM THE VALERO/GOOD NEIGHBOR SETTLEMENT AGREEMENT FOR COSTS ASSOCIATED WITH THE EARTH DAY 2011 EVENT

Council Member Campbell thanked Staff for their efforts in planning Earth Day. He and Staff discussed what the \$3,000 would be spent on (vendor fees, fixtures, supplies for children's activities, etc.). Staff did not think the entire amount would be spent.

Public Comment:

None

On motion of Council Member loakimedes, seconded by Council Member Campbell, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

E. AUTHORIZATION TO EXECUTE A QUIT CLAIM DEED TO SOLANO COUNTY FOR THE FORMER ALLEY LOCATED UNDER THE BENICIA MEMORIAL VETERANS HALL AND TO TAKE ALL NECESSARY AND RELATED ACTIONS

RESOLUTION 11-41 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE QUIT CLAIM DEED ON BEHALF OF THE CITY FOR THE FORMER RIGHT OF WAY AT 1150 FIRST STREET (BENICIA MEMORIAL VETERANS HALL)

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes,

Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

F. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda

VIII. PUBLIC HEARINGS:

IX. ACTION ITEMS:

A. PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2010 AND RECOGNITION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR THE JUNE 30, 2009 REPORT

Rob Sousa, Finance Director, and Dennis Lowry, Chairperson, Finance Audit Budget Committee, reviewed the staff report.

Council Member loakimedes and Staff discussed incorporating the Governmental Accounting Standards into the resolution regarding the City's reserve policy.

Council Member Hughes and Staff discussed when the last audit was conducted by MHM for the City of Bell, California, and whether any other firm would have raised flags regarding the dollar amounts.

Mayor Patterson and Staff discussed the rules and protocol developed by the Governmental Accounting Standards Board (GASB). She would like to see that it is very comprehensive and thorough in the protocol requirements, so that there is no hesitation in what the City is asking them to be able to have independence in what is being done.

Council Member Campbell discussed the issue being one of perception (with accounting firms), and how that is affecting the situation.

Vice Mayor Schwartzman discussed the situation in Bell, California. He and Staff discussed how to ensure any new firm would handle the escalation process.

Council Member loakimedes and Staff discussed the whistle blowing policy.

Mayor Patterson requested Staff include the units in the RFP when documenting figures, tables, etc. She would like to see the user-friendly aspect of the reports maintained. She would like the issue of sustainability included in the financial goals and strategies section, and add 'cultural arts' to section #4.

Mayor Patterson summarized the two actions to be taken: 1) accepting the

CAFR and authorizing Staff to distribute the document to recipient agencies, and 2) the termination of the Mayer Hoffman McCann P.C.

Mayor Patterson clarified the motion would encompass both actions. Staff clarified that the additions were to add into the RFP, the whistle blowing policy, as well as adding in a thorough discussion of the protocols that the City was expecting, adding units to the documents, and updating the final report that includes the sustainability and the cultural arts.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2010, and authorized staff to distribute the document to recipient agencies, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

On motion of Mayor Patterson Council directed staff, by minute order, to terminate the Mayer Hoffman McCann P.C. contract for auditing services and solicit requests for proposals for auditing services for FY 2010-2011, with additional requirements, as discussed by Council, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SAFETY EMPLOYEES TO PROVIDE SECTION 21363.1 (3% AT 55 FORMULA) AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION)

ORDINANCE 11-5- AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. APPROVE A RESOLUTION AWARDED CONSULTANT CONTRACT TO CIVITAS ADVISORS TO PERFORM A BUSINESS IMPROVEMENT DISTRICT FEASIBILITY STUDY AND POSSIBLE FORMATION AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

RESOLUTION 11- 45 - A RESOLUTION AWARDED A PROFESSIONAL SERVICES CONSULTANT CONTRACT TO CIVITAS ADVISORS OF SACRAMENTO, CALIFORNIA IN THE AMOUNT NOT-TO-EXCEED \$36,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Council Member Campbell and Staff discussed how much money would be required to be able to make an impact, whether the merchants would buy into the idea, and what the money would be used for. Staff clarified that it had not been determined where the BID would be. Staff discussed how Prop 26 affects BIDs.

Council Member Ioakimedes, Mayor Patterson, and Staff discussed who should appoint the advisory board.

Council Member Hughes and Staff discussed the pushback Staff received (at the community meetings) from the merchants regarding the use of a consultant for the feasibility study, and the actual BID.

Vice Mayor Schwartzman and Staff discussed how much of the \$140,000 was being spent on advertising (approximately \$50,000/year).

Public Comment:

Gene Doherty - Mr. Doherty spoke in favor of the proposed resolution.

Leah Shellhorn - Ms. Shellhorn spoke in support of the proposed resolution.

Christina Strawbridge - Ms. Strawbridge spoke in support of the proposed resolution.

Council Member Campbell and Staff discussed who would oversee the BID.

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

D. APPROVAL OF LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION TO FINANCE VARIOUS ENERGY CONSERVATION PROJECTS

RESOLUTION 11-46 - A RESOLUTION AMENDING RESOLUTION NO. 11-36 APPROVING A CHANGE ORDER TO THE ENERGY SERVICE CONTRACT WITH CHEVRON ENERGY SERVICES FOR INSTALLATION OF A RENEWABLE ENERGY GENERATION EQUIPMENT AT CITY FACILITIES

RESOLUTION 11-47 - A RESOLUTION APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO TO FINANCE VARIOUS ENERGY CONSERVATION PROJECTS THROUGHOUT THE

GEOGRAPHIC BOUNDARIES OF THE CITY, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO

Rob Sousa, Finance Director, reviewed the staff report.

Council Member Campbell and Staff clarified the cost of power for the City was \$1.4 million for electricity. Council Member Campbell discussed the long-term savings this could produce.

Council Member Hughes and Staff discussed concerns regarding uncertainty and risks. They discussed what could happen if the City defaulted on the loan, and the issue of the City's risk.

Vice Mayor Schwartzman and Staff discussed what liability Chevron had if they could not achieve the \$50,000 targeted savings. They discussed using the Clocktower as collateral.

Mayor Patterson and Staff discussed the 28% of costs that were not being covered by the program, and the construction timeframe (approximately six months from the start of the project).

Public Comment:

Gene Doherty - Mr. Doherty spoke in support of the proposed resolution.

Kathy Kerridge - Ms. Kerridge spoke in support of the proposed resolution.

Constance Beutel - Dr. Beutel spoke in support of the proposed resolution.

Council Member Hughes clarified his position regarding the issue.

Council Member loakimedes suggested the information discussed tonight be put into a report. Mr. Pressman would present the information to Staff for the 4/19/11 Council meeting.

On motion of Council Member loakimedes, seconded by Vice Mayor Schwartzman, Council adopted Resolution 11-46, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

On motion of Council Member loakimedes, seconded by Vice Mayor Schwartzman, Council adopted Resolution 11-47, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

X. INFORMATIONAL ITEMS:

A. City Manager Reports

1. PREFERRED LESSOR FOR NATIONWIDE SIGN SITE

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Council and Staff discussed concerns regarding reader boards (digital signs), regulations for reader boards, design review that might be required for such signs, and issues that have been raised by non-governmental agencies regarding reader boards.

B. Council Member Committee Reports - Continued from March 15, 2011 Council Meeting

- 1. Mayor's Committee Meeting. (Mayor Patterson)
Next Meeting Date: April 20, 2011**
- 2. Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: 2011 Spring General Assembly - Thursday, April 14, 2011**
- 3. Finance, Audit and Budget Committee. (Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: April 22, 2011**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: April 28, 2011**
- 5. School Liaison Committee. (Council Members Ioakimedes and Hughes)
Next Meeting Date: June 23, 2011**
- 6. Sky Valley Open Space Committee. (Council Members Campbell and Hughes)
Next Meeting Date: May 4, 2011**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell)
Next Meeting Date: April 28, 2011**
- 8. Solano Transportation Authority (STA). (Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: April 23, 2011**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: April 14, 2011**

10. **Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and loakimedes)
Next Meeting Date: April 21, 2011**
11. **Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes)
Next Meeting Date: TBD**
12. **Valero Community Advisory Panel (CAP). (Council Member Hughes)
Next Meeting Date: TBD**
13. **Youth Action Coalition. (Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: April 27, 2011**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson)
Next Meeting Date: April 25, 2011**
15. **SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member loakimedes) Next Meeting Date: April 21, 2011**

XI. COUNCIL MEMBERS REPORTS:

XII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:29 p.m.

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
April 06, 2011

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 6:00 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

Council Members Patterson, Hughes, Schwartzman, and Ioakimedes were present. Council Member Campbell arrived at 6:05 p.m.

B. PLEDGE OF ALLEGIANCE

Mayor Patterson led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

III. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

None

IV. CLOSED SESSION:

Heather McLaughlin, City Attorney, read the announcement of Closed Session.

**A. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))**

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: City Manager, City Attorney, Benicia Senior Management Group, Benicia Middle Management Group, Local 1, Benicia

Public Service Employees' Association (BPSEA), Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.

V. ADJOURNMENT:

Mayor Patterson adjourned the meeting to Closed Session at 6:02 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - APRIL 19, 2011
CONSENT CALENDAR

DATE : March 23, 2011
TO : City Council
FROM : City Attorney
SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY CSAA/LARRY YOST AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:

Deny the claim against the City by CSAA/Larry Yost.

EXECUTIVE SUMMARY:

Claimant alleges that a city owned tree caused roots to damage the sidewalk in front of his residence. This is not a city-owned tree.

BUDGET INFORMATION:

The amount of this claim is \$3,043.36.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

N/A-there is not a relevant Strategic Plan Goal that relates to this agenda item.

BACKGROUND:

Upon rejection of the claim, the city clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the form directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

Attachment:

- Copy of the Claim Filed Against the City

CLAIM AGAINST THE CITY OF BENICIA

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.

1. CLAIMANT'S NAME (Print): Larry Yost
 2. CLAIMANT'S ADDRESS: [REDACTED]
 (Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: [REDACTED] WORK PHONE: _____

3. AMOUNT OF CLAIM: \$ 3,043.36 (Attach copies of bills/estimates)

If amount claimed is more than \$10,000, indicate where jurisdiction rests:
 Limited Civil Case _____
 Unlimited Civil Case _____

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):
CSAA Claim # 01-595464-9
 (Name)
PO Box 920 Suisun City, CA
 (Street or P.O. Box Number, City, State, Zip Code) 94585

5. DATE OF INCIDENT: 2-01-2011 TIME OF INCIDENT: _____
 LOCATION OF INCIDENT: [REDACTED]

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: A city owned tree roots damage the insureds sidewalk.

7. Describe all damages which you believe you have incurred as a result of the incident:
See attached

8. Names of public employee(s) causing the damages you are claiming:
CSAA Subrogation

Yambur Chappell 03-08-11
 Signature of Claimant Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.

(revised 12/18/02)

AGENDA ITEM
CITY COUNCIL MEETING DATE - APRIL 19, 2011
CONSENT CALENDAR

DATE : March 29, 2011

TO : City Council

FROM : City Attorney

SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY QUAN LY AND REFERRAL TO INSURANCE CARRIER.**

RECOMMENDATION:

Deny the claim against the City by Quan Ly.

EXECUTIVE SUMMARY:

Claimant alleges that a city pothole damaged her left front tire.

BUDGET INFORMATION:

The amount of the claim is \$141.00.

STRATEGIC PLAN:

N/A-there is not a relevant Strategic Plan Goal that relates to this agenda item.

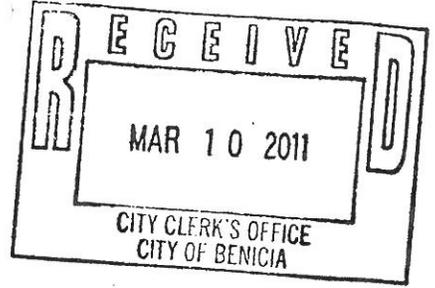
BACKGROUND:

Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

Attachment:

- Copy of the Claim Filed Against the City

Jo Kerson



CLAIM AGAINST THE CITY OF BENICIA

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.

1. CLAIMANT'S NAME (Print): QUAN LY

2. CLAIMANT'S ADDRESS: [REDACTED]
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: [REDACTED] WORK PHONE: _____

3. AMOUNT OF CLAIM: \$ \$ 141.00 (Attach copies of bills/estimates)

If amount claimed is more than \$10,000, indicate where jurisdiction rests:

Limited Civil Case _____
Unlimited Civil Case _____

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):

(Name)

(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: 3-9-11 TIME OF INCIDENT: 10:15 pm

LOCATION OF INCIDENT: BENICIARD / COLUMBUS PARKWAY

6. Describe the incident or accident including your reason for believing that the City is liable for your damages:

7. Describe all damages which you believe you have incurred as a result of the incident:

left front tire "popped" due to large pot hole

8. Names of public employee(s) causing the damages you are claiming:

Qu 3-11-11
Signature of Claimant Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.

(revised 12/18/02)

AGENDA ITEM
CITY COUNCIL MEETING DATE - APRIL 19, 2011
CONSENT CALENDAR

DATE : April 11, 2011

TO : City Manager

FROM : Acting Economic Development Manager

SUBJECT : **APPROVAL OF A WIRELESS COMMUNICATION LEASE AGREEMENT AT 257 ESSEX WAY WITH NEW CINGULAR WIRELESS PCS, LLC**

RECOMMENDATION:

Adopt a resolution approving a Lease Agreement between the City of Benicia and New Cingular Wireless PCS, LLC, to install a wireless communication facility consisting of twelve (12) panel antennas mounted to twelve (12) ground-mounted poles at 257 Essex Way, and authorizing the City Manager to execute the agreement on behalf of the City.

EXECUTIVE SUMMARY:

The proposed lease agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company AT&T will allow installation of a wireless communication facility on City-owned property located at 257 Essex Way. The proposed communication facility will allow improved cellular access to Benicia residents. The lease will provide the City an initial, upfront rent payment of \$150,000, with future monthly rent payments of \$3,000 per month increasing by three percent each year.

BUDGET INFORMATION:

The City will realize an initial lease income of \$150,000. Beginning on the 61st month of the agreement, the monthly lease rent shall be \$3,000 per month with an annual increase of three percent each year. The proceeds from this agreement shall be deposited in the City's General Fund.

GENERAL PLAN:

Relevant General Plan Goals:

- Goal 2.43: Allow installation of telecommunications equipment and distribution networks that maintain and protect health, safety, and quality of life and avoid visual clutter.
- Goal 2.5: Facilitate and encourage new uses and development, which provide substantial and sustainable fiscal and economic

benefits to the City and community while maintaining health, safety and quality of life.

STRATEGIC PLAN:

Relevant Strategic Plan Goals:

- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
- Strategic Issue 4: Preserving and Enhancing Infrastructure
 - Strategy #3: Address technology needs

ENVIRONMENTAL REVIEW:

Installation of the communication facility is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, which exempts new construction of small facilities or structures.

BACKGROUND:

New Cingular Wireless PCS, LLC, (AT&T Mobility Corporation) proposes to lease City-owned land at the treated water reservoir site located at 257 Essex Way (Assessor's Parcel No. 0083-210-210) to install a communication facility, consisting of approximately 375 square feet of ground space for the placement of seven (7) radio cabinets (collectively, the "Equipment Enclosure") and twelve (12) antennas. The proposed facility will improve cellular service to Benicia residents, especially in the Southampton housing development. The Planning Commission approved the communication facility at its June 10, 2010 meeting by Resolution No. 10-1 (PC).

The discussion between AT&T Mobility Corporation and the City regarding this site has been a three-year long process. Unique to this agreement are new security provisions, which establish guidelines for the lessee to maintain that the access gate is closed and locked after leaving the premises and provisions to fine the lessee should they fail to adhere to the security guidelines. Also unique to this agreement is the upfront receipt of the initial rent fee, totaling \$150,000. Additionally, within forty-five days of execution of the agreement, the lessee shall pay City a one-time administration fee totaling \$6,500. It is staff's recommendation that these funds be deposited in the City Attorney's Office budget to help reimburse expenses of the City's contract attorney, Kat Wellman who invested many hours working to craft this agreement.

The business terms of this agreement establish a monthly rent payment of \$3,000 (\$36,000 annually) with a 3% annual increase. The term of this agreement is for five years with four (4) five-year extensions. Furthermore, this agreement is the first City cell tower agreement to establish a monthly rent of \$3,000. For comparison purposes, the \$3,000 monthly rent payment is one of the higher rates for telecommunication leases in our surrounding area, including East Bay MUD, Contra Costa County, Contra Costa Sanitary District, Cities of Fairfield, Vacaville and Vallejo.

With this agreement AT&T Mobility will become the third cellular carrier to install antennas at this location, joining T-Mobile and Sprint. The installation of this facility will not impact the City's ability to continue to maintain/operate the water storage tanks located at this site or impact the City's existing communication towers. Staff recommends the adoption of the proposed resolution, approving the lease agreement for the installation of a wireless communication facility.

Attachments:

- Proposed Resolution
- Site Lease Agreement
- Planning Commission Resolution No. 10-1 June 10, 2010

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY TO INSTALL A WIRELESS COMMUNICATION FACILITY AT 257 ESSEX WAY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the City wishes to enter into a Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company to install a wireless communication facility (i.e. cell tower antenna), and associated equipment at the treated reservoir site located at 257 Essex Way (Assessor's Parcel No. 0083-210-210); and

WHEREAS, the proposed use is consistent with General Plan Goals 2.43 and 2.5; and

WHEREAS, the Planning Commission at its regular meeting on June 10, 2010 approved, with Resolution No. 10-1(PC), Use Permit (09PLN-00039) for a wireless communication facility; and

WHEREAS, the installation of the communication facility is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 that exempts new construction of small facilities or structures.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby approves a Lease Agreement between the City of Benicia and New Cingular Wireless PCS, LLC, a Delaware limited liability company to install a wireless communication facility at 257 Essex Way, and authorizes the City Manager to execute the agreement on behalf of the City, subject to approval by the City Attorney.

* * * *

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council on the 19th day of April, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Market: San Francisco - Sacramento
Cell Site Number: CN0772
Cell Site Name: I-780-COLUMBUS PARKWAY
Fixed Asset Number: 10085461

STRUCTURE LEASE AGREEMENT

THIS STRUCTURE LEASE AGREEMENT ("**Agreement**"), dated as of the latter of the signature dates below (the "**Effective Date**"), is entered into by City of Benicia, A Municipal Corporation, having a mailing address of 250 East "L" Street, Benicia, CA 94510 (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 (hereinafter referred to as "**Tenant**").

BACKGROUND

Landlord owns or controls that certain plot, parcel or tract of land, improved with structures, together with all rights and privileges arising in connection therewith, located at APN 0083-210-210, 257 Essex Way (aka Reservoir R-3), in the City of Benicia, in Solano County, State of California (collectively, the "Property"). Tenant desires to use a portion of the Property in connection with its federally licensed communications business. Landlord desires to grant to Tenant the right to use a portion of the Property in accordance with this Agreement.

The parties agree as follows:

1. **LEASE OF PREMISES.** Landlord leases to Tenant a certain portion of the Property consisting of:
 - (a) approximately 375 square feet of ground space for the placement of Tenant's seven (7) radio cabinets (collectively, the "Equipment Enclosure"), plus the airspace above such those spaces; and
 - (b) that certain space as generally depicted on **Exhibit 1** annexed hereto and made a part hereof, where Tenant shall have the right to install twelve (12) panel antennas on suitable support structures (collectively, the "**Antenna Space**"); and
 - (c) those certain areas where Tenant's conduits, wires, cables, cable trays and other necessary connections are located between the Equipment Space and the Antenna Space, and between the Equipment Space and the electric power, telephone for the Property (hereinafter collectively referred to as the "**Connections**"). With Landlord's written consent, not to be unreasonably withheld or delayed, and at no additional cost to Tenant, Landlord agrees that Tenant shall have the right to install Connections between Tenant's equipment in the Equipment Space and Antenna Space; and between Tenant's equipment in the Equipment Space and the electric power, telephone for the Property, and any other improvements. Also with Landlord's consent, not to be unreasonably withheld or delayed, and at no additional cost to Tenant, Landlord further agrees that Tenant shall have the non-exclusive right for ingress and egress to the Premises (as hereinafter defined), seven (7) days a week, twenty-four (24) hours a day, on foot or motor vehicle, including trucks, over such portion of the Premises as may be designated by the Landlord extending from the nearest public right-of-way to the Premises, together with the right to install, replace and maintain utility lines, wires, poles, cables, conduits, pipes and other necessary connections over or along any right-of-way extending from the aforementioned public right-of-way to the Premises as previously approved by Landlord and subject to the security provisions outlined in Section 14, Security of Premises. Notwithstanding the foregoing, Tenant, to the extent feasible, shall locate all wires, conduits and cables on existing poles extending from the roadway into Landlord's Property. The Equipment Space, Antenna Space, Connections, are hereinafter collectively referred to as the "**Premises.**"
2. **PERMITTED USE.** Tenant may use the Premises for the transmission and reception of communications signals and the installation, construction, maintenance, operation, repair, replacement and upgrade (except any upgrades that would include adding antennas, increasing the physical facilities, or space upon which they are located will require an increase in the monthly rent) of its communications fixtures and related equipment, cables, accessories and improvements, which may include a suitable support structure, associated antennas, equipment shelters or cabinets and fencing and any other items necessary to the successful and secure use of the Premises (collectively, the "**Communication Facility**"), as well as the right to test, survey and review title on the Property; Tenant further has the right but not the obligation to add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including, but not limited to, emergency 911 communication services, at no additional cost to Tenant or Landlord (collectively, the "**Permitted Use**"). Tenant may not, however, increase the number of antennas depicted in Exhibit 1 without written Landlord approval, which approval shall not be unreasonably withheld or delayed, but will be subject to an increase in monthly Rent. **Exhibit 1** includes

drawings of the initial installation of the Communication Facility, Landlord's execution of this Agreement will signify Landlord's approval of **Exhibit 1**. For a period of ninety (90) days following the start of construction as approved by Landlord, Landlord shall grant Tenant, its subtenants, licensees and sublicensees, the right to use such portions of Landlord's contiguous, adjoining or surrounding property as described on **Exhibit "1"** hereto (the "**Surrounding Property**") as may reasonably be required during construction and installation of the Communications Facility. Upon Landlord prior written approval, not to be unreasonably withheld, or delayed, Tenant has the right to install and operate transmission cables from the equipment shelter or cabinet to the antennas, electric lines from the main feed to the equipment shelter or cabinet and communication lines from the main entry point to the equipment shelter or cabinet ("**Tenant Changes**"). Tenant Changes include the right to construct a fence around the Premises and undertake any other appropriate means to secure the Premises at Tenant's expense. Tenant agrees to comply with all applicable governmental laws, rules, statutes and regulations relating to its use of the Communication Facility on the Property. Upon Landlord prior written approval, not to be unreasonably withheld, or delayed, Tenant will be allowed to make such alterations to the Property in order to insure that Tenant's Communication Facility complies with all applicable federal, state or local laws, rules or regulations.

3. TERM.

(a) The initial lease term will be five (5) years ("**Initial Term**"), commencing on the Effective Date. The Initial Term will terminate on the fifth (5th) annual anniversary of the Effective Date.

(b) This Agreement will automatically renew for four (4) additional five (5) year term(s) (each five (5) year term shall be defined as an "**Extension Term**"), upon the same terms and conditions unless Tenant notifies Landlord in writing of Tenant's intention not to renew this Agreement at least sixty (60) days prior to the expiration of the existing Term.

(c) If Tenant remains in possession of the Premises after the termination of this Agreement, then Tenant will be deemed to be occupying the Premises on a month-to-month basis (the "**Holdover Term**"), subject to the terms and conditions of this Agreement.

(d) The Initial Term, the Extension Term and the Holdover Term are collectively referred to as the Term ("**Term**").

4. RENT.

(a) Commencing the first day of the month following the date that Tenant commences construction (the "**Rent Commencement Date**"), Tenant will pay Landlord an amount of One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) ("**Initial Rent Fee**"), at the address set forth in the Notice section herein, which will be used to cover the first sixty (60) months rent. Landlord acknowledges that no other consideration is required during the Initial Rent Fee Period under the terms of this Agreement, except as specified within other portions of this Agreement. The Initial Rent Fee will be forwarded by Tenant to Landlord within thirty (30) days after the first day of the month following the Rent Commencement Date.

(b) On the first day of the sixty-first (61st) month after the Rent Commencement Date, the rent payable shall be Three Thousand Dollars (\$3,000.00) ("**Rent**") per month for the first twelve months.

(c) Beginning on July 1st, following at least twelve (12) months after the sixty first (61st) month, and each year thereafter, including throughout any Extension Terms exercised, the monthly Rent will increase by three percent (3%) over the Rent paid during the previous year.

(d) The monthly Rent under this Agreement shall be payable on or before the fifth (5th) calendar day of each month in advance, subject to the adjustments set forth in Section 4(c) of this Agreement. Rent shall be sent to the address set forth in the Notice provision of this Agreement.

(e) Tenant shall be liable for any utilities Tenant arranges and any taxes incurred as a result of this Agreement. The provisions of the foregoing sentence shall survive the termination or expiration of this Agreement. Any charges payable under this Agreement billed by Landlord to Tenant shall be billed within one (1) year from the end of the calendar year in which the charges were incurred; any charges beyond such period shall not be billed by Landlord, and shall not be payable by Tenant. The foregoing shall not apply to monthly Rent which is due and payable without a requirement that it be billed by Landlord. These provisions shall survive the termination or expiration of this Agreement.

(f) Within forty-five (45) days after the Effective Date of the Agreement, Tenant shall pay Landlord a one-time Six Thousand Five Hundred Dollar (\$6,500) lease administration fee.

5. LATE CHARGES: Tenant hereby acknowledges that late payment by Tenant to Landlord of rent or other sums due hereunder will cause Landlord to incur costs not contemplated by this Agreement, the exact amount of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting charges. Accordingly, if any installment of Rent or of a sum due from Tenant shall not be received by Landlord or Landlord's designee within five (5) days after written receipt received by Tenant, then Tenant shall pay to Landlord a late charge equal to twelve (12%) percent of such

overdue amount. The parties hereby agree that such late charge represents a fair and reasonable estimate of the cost the Landlord will incur by reason of the late payment by Tenant.

6.. APPROVALS.

(a) Landlord agrees that Tenant's ability to use the Premises is contingent upon the suitability of the Premises and Property for Tenant's Permitted Use and Tenant's ability to obtain and maintain all governmental licenses, permits, approvals or other relief required of or deemed necessary or appropriate by Tenant for its use of the Premises, including without limitation applications for zoning variances, zoning ordinances, amendments, special use permits, and construction permits (collectively, the "**Government Approvals**"). Landlord authorizes Tenant to prepare, execute and file all required applications to obtain Government Approvals for Tenant's Permitted Use under this Agreement and agrees to reasonably assist Tenant with such applications. In addition, Tenant shall have the right to initiate the ordering and/or scheduling of necessary utilities.

(b) Tenant has the right to obtain a title report or commitment for a leasehold title policy from a title insurance company of its choice and to have the Property surveyed by a surveyor of Tenant's choice. In the event Tenant determines, in its sole discretion, due to the title report results or survey results, that the condition of the Premises is unsatisfactory, Tenant will have the right to terminate this Agreement upon notice to Landlord.

(c) Tenant may also perform and obtain, at Tenant's sole cost and expense, soil borings, percolation tests, engineering procedures, environmental investigation or other tests or reports on, over, and under the Property, necessary to determine if Tenant's use of the Premises will be compatible with Tenant's engineering specifications, system, design, operations or Government Approvals.

7. TERMINATION. This Agreement may be terminated, without penalty or further liability, as follows:

(a) by either party on thirty (30) days prior written notice, if the other party remains in default under Paragraph 17 of this Agreement after the applicable cure periods;

(b) by Tenant upon written notice to Landlord, if Tenant is unable to obtain, or maintain, any required approval(s) or the issuance of a license or permit by any agency, board, court or other governmental authority necessary for the construction or operation of the Communication Facility as now or hereafter intended by Tenant; or if Tenant determines, in its sole discretion, that the cost of obtaining or retaining the same is commercially unreasonable;

(c) by Tenant upon written notice to Landlord for any reason or no reason, at any time prior to commencement of construction by Tenant; or

(d) by Tenant upon sixty (60) days' prior written notice to Landlord for any reason or no reason, so long as Tenant pays Landlord a termination fee equal to three (3) months Rent, at the then current rate, provided, however, that no such termination fee will be payable on account of the termination of this Agreement by Tenant under any one or more of the following provisions in this Agreement: 7(a), if Landlord is the sole defaulting party, 7(b), 7(c), 9, 12(d), 20, 21, or 24(j).

8. INSURANCE. During the Term, Tenant will carry, at its own cost and expense, the following insurance: (i) "All Risk" property insurance for its property's replacement cost; (ii) Workers' Compensation Insurance as required by law; and (iii) commercial general liability (CGL) insurance with respect to its activities on the Property, such insurance to afford minimum protection of Five Million Dollars (\$5,000,000) combined single limit, per occurrence and in the aggregate, providing coverage for bodily injury and property damage. Tenant's CGL insurance shall contain a provision including Landlord as an additional insured to the extent of the indemnity provided by Tenant under this Agreement. Notwithstanding the foregoing, Tenant shall have the right to self-insure against the risks for which Tenant is required to insure against in this Section. In the event Tenant elects to self-insure its obligation to include Landlord as an additional insured as permitted by the previous sentence, the following provisions shall apply: (1) Landlord shall promptly and no later than seven (7) days after notice thereof provide Tenant with written notice of any claim, demand, lawsuit or the like for which it seeks coverage pursuant to this Section and provide Tenant with copies of any demands, notices, summonses, or legal papers received in connection with such claim, demand, lawsuit or the like; (2) Landlord shall not settle any such claim, demand, lawsuit or the like without the prior written consent of Tenant; (3) Landlord shall fully cooperate with Tenant in the defense of the claim, demand, lawsuit or the like; (4) Tenant's self-insurance obligation for Landlord shall not extend to claims for punitive damages, exemplary damages, or gross negligence; and (5) such obligation shall not apply when the claim or liability arises from the sole active negligence or willful misconduct of Landlord, its employees, agents, or independent contractors.

9. INTERFERENCE.

(a) Tenant warrants that its use of the Premises will not interfere with existing radio frequency user(s) on the Property so disclosed by Landlord, as long as the existing radio frequency user(s) operate and continue to operate within their respective frequencies and in accordance with all applicable laws and regulations.

(b) Landlord will not grant, after the date of this Agreement, a lease, license or any other right to any third party for the use of the Property, if such use may in any way adversely affect or interfere with the Communication Facility, the physical or radio frequency operation of Tenant or the rights of Tenant under this Agreement.

(c) Landlord will not use, nor will Landlord permit its employees, tenants, licensees, invitees, agents or independent contractors to use, any portion of the Property in any way which interferes with the Communication Facility, the operations of Tenant or the rights of Tenant under this Agreement. Landlord will make all reasonable attempts within its jurisdiction to cause such interference to cease within seventy-two (72) hours after receipt of notice of interference from Tenant. In the event any such interference does not cease within the aforementioned cure period then Tenant will have the right, in addition to any other rights that it may have at law or in equity, to elect to enjoin such interference or to terminate this Agreement upon notice to Landlord.

10. INDEMNIFICATION. Tenant agrees to indemnify, defend and hold harmless Landlord, including its officials, officers, employees, volunteers or agents, from and against any and all causes of action, demands damages, losses, liabilities, obligations, judgments, expenses including reasonable attorneys' fees and costs of litigation, arising out of or in any way connected to Tenant's use of the Premises or this Agreement, however, cause, including, but not limited to, any activity, work or other things done, permitted or suffered by Tenant in or about the Premises, or in conducting operations on the Premises, or arising from any breach or default in the performance of any obligation on Tenant's part to be performed under the terms of this Agreement, excepting only such injury or death as may be caused by the sole negligence or willful misconduct of the Landlord. In the event Landlord's indemnities are made a party to any action, lawsuit, or other adversarial proceeding arising from this Agreement, Tenant shall provide a defense to Landlord or at Landlord's option reimburse Landlord indemnities their costs of reasonable defense, including reasonable attorney's fees, incurred in the defense of such claims. Tenant shall give prompt notice to Landlord in case of fire or accidents on the Premises or of defects therein or in the fixtures or equipment. Tenant shall pay all costs that may be incurred by Landlord in enforcing this indemnity, including reasonable attorneys' fees.

11. WARRANTIES.

(a) Tenant and Landlord each acknowledge and represent that it is duly organized, validly existing and in good standing and has the right, power and authority to enter into this Agreement and bind itself hereto through the party set forth as signatory for the party below.

(b) Landlord represents, warrants and agrees that: (i) Landlord solely owns the Property as a legal lot in fee simple, or controls the Property by lease or license and solely owns the structure; (ii) the Property is not encumbered by any liens, restrictions, mortgages, covenants, conditions, easements, leases, or any other agreements of record or not of record, which would adversely affect Tenant's Permitted Use and enjoyment of the Premises under this Agreement; (iii) as long as Tenant is not in default then Landlord grants to Tenant sole, actual, quiet and peaceful use, enjoyment and possession of the Premises; (iv) Landlord's execution and performance of this Agreement will not violate any laws, ordinances, covenants or the provisions of any mortgage, lease or other agreement binding on Landlord; and (v) if the Property is or becomes encumbered by a deed to secure a debt, mortgage or other security interest, Landlord will provide promptly to Tenant a mutually agreeable Subordination, Non-Disturbance and Attornment Agreement.

12. ENVIRONMENTAL.

(a) Landlord represents that to the best of Landlord's knowledge, the Property has never been subject to any contamination or hazardous conditions resulting in any environmental investigation, inquiry or remediation. Landlord and Tenant agree that each will be responsible for compliance with any and all environmental and industrial hygiene laws, including any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene condition or other matters as may now or at any time hereafter be in effect, that are now or were related to that party's activity conducted in or on the Property

(b) Landlord and Tenant agree to hold harmless and indemnify the other from, and to assume all duties, responsibilities and liabilities at the sole cost and expense of the indemnifying party for, payment of penalties, sanctions, forfeitures, losses, costs or damages, and for responding to any action, notice, claim, order, summons, citation, directive, litigation, investigation or proceeding which is related to (i) the indemnifying party's failure to comply with any environmental or industrial hygiene law, including without limitation any regulations, guidelines, standards or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene conditions or matters as may now or hereafter be in effect, or (ii) any environmental or industrial hygiene conditions that arise out of or are in any way related to the condition of the Property and activities conducted by the party thereon, unless the environmental conditions are caused by the other party. .

(c) The indemnifications of this Paragraph 12 specifically include reasonable costs, expenses and fees incurred in connection with any investigation of Property conditions or any clean-up, remediation, removal or restoration work required

by any governmental authority. The provisions of this Paragraph 12 will survive the expiration or termination of this Agreement.

(d) In the event Tenant becomes aware of any hazardous materials on the Property, or any environmental or industrial hygiene condition or matter relating to the Property, that, in Tenant's sole determination, renders the condition of the Premises or Property unsuitable for Tenant's use, or if Tenant believes that the leasing or continued leasing of the Premises would expose Tenant to undue risks of government action, intervention or third-party liability, Tenant will have the right, in addition to any other rights it may have at law or in equity, to terminate this Agreement upon written notice to Landlord.

13. ACCESS. At all times throughout the Term of this Agreement, and at no additional charge to Tenant, other than as stated in Section 14 herein, Tenant and its employees, agents, and subcontractors, will have twenty-four (24) hour per day, seven (7) day per week pedestrian and vehicular access to and over the Property, from an open and improved public road to the Premises, for the installation, maintenance and operation of the Communication Facility and any utilities serving the Premises. Tenant must provide its own lock to comply with this Agreement. In the event any public utility is unable to use the access or easement provided to Tenant then the Landlord agrees to grant additional access or an easement either to Tenant or to the public utility, for the benefit of Tenant, at no cost to Tenant.

14. SECURITY OF PREMISES. Tenant shall be responsible for the security of the premises at all times during use.

(a) Tenant shall ensure that all employees, representatives, or agents of any sort, including contractors, subcontractors, utility workers, invitees or inspectors (hereafter "Tenant"), close and lock all gates, doors and other portal barriers before leaving the property site. While Tenant is on the premises, the main entry gate shall remain closed and locked at all times except those times while driving through the gate.

(b) Tenant shall at no time allow access by any other party, except Landlord's employees, through the gate while the gate is unlocked by Tenant. This includes, but is not limited to, illegal copying and distributing keys, holding the gate open to let others in, and any other type of unauthorized access.

(c) In the event that Landlord witnesses, or is informed of Tenant violating any of the terms and conditions in this section, the following will apply:

- First Offense: Letter of Violation
- Second Offense: Letter of Violation and Fine of \$600
- Third Offense: Fine of \$1200, plus all access to site will be revoked and only access to site by escort of Landlord will be allowed. If under this step, Tenant is found on site, law enforcement will be notified of persons trespassing Landlord's property and all applicable trespassing laws will be enforced.
- Fourth Offense: Shall be grounds for Landlord terminating Lease.

15. REMOVAL/RESTORATION. All portions of the Communication Facility brought onto the Property by Tenant will be and remain Tenant's personal property and, at Tenant's option, may be removed by Tenant at any time during the Term. Landlord covenants and agrees that no part of the Communication Facility constructed, erected or placed on the Premises by Tenant will become, or be considered as being affixed to or a part of, the Property, it being the specific intention of Landlord that all improvements of every kind and nature constructed, erected or placed by Tenant on the Premises will be and remain the property of Tenant and may be removed by Tenant at any time during the Term. Within one hundred twenty (120) days of the termination of this Agreement, Tenant will remove all of Tenant's above-ground improvements and Tenant will, to the extent reasonable, restore the Premises to its condition at the commencement of this Agreement, reasonable wear and tear and loss by casualty or other causes beyond Tenant's control excepted. Notwithstanding the foregoing, Tenant will not be responsible for the replacement of any trees, shrubs or other vegetation, nor will Tenant be required to remove from the Premises or the Property any structural steel or any foundations or underground utilities.

16. MAINTENANCE/UTILITIES.

(a) Tenant will keep and maintain the Premises in good condition, reasonable wear and tear and damage from the elements excepted. Landlord will maintain and repair the Property and access thereto in good and tenantable condition, subject to reasonable wear and tear and damage from the elements, except if any damage is caused directly by Tenant, Tenant shall be responsible for making the necessary repairs to fix or replace the damage.

(b) Tenant will be responsible for paying on a monthly or quarterly basis all utilities charges for electricity, telephone service or any other utility used or consumed by Tenant on the Premises. Landlord acknowledges that Tenant provides a communication service which requires electrical power to operate and must operate twenty-four (24) hours per day, seven (7) days per week. Landlord will cooperate within reason with any utility company requesting an easement over, under

and across the Property in order for the utility company to provide service to the Tenant, to the extent that it does not impact negatively upon city services. If an interruption to electrical power occurs for an extended period of time, in Tenant's reasonable determination, the Landlord agrees to allow Tenant the right to bring in a temporary source of power for the duration of the interruption. Landlord will not be responsible for interference with, interruption of any utility services to the premises.

17. DEFAULT AND RIGHT TO CURE.

(a) The following will be deemed a default by Tenant and a breach of this Agreement: (i) non-payment of Rent if such Rent remains unpaid for more than thirty (30) days after receipt of written notice from Landlord of such failure to pay; or (ii) Tenant's failure to perform any other term or condition under this Agreement within forty-five (45) days after receipt of written notice from Landlord specifying the failure. No such failure, however, will be deemed to exist if Tenant has commenced to cure such default within such period and provided that such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Tenant. If Tenant remains in default beyond any applicable cure period, Landlord will have the right to exercise any and all rights and remedies available to it under law and equity.

(b) The following will be deemed a default by Landlord and a breach of this Agreement: (i) failure to provide access to the Premises or to reasonably cure an interference problem within seventy-two (72) hours, or fail to reasonably cooperate with parties to cure a technical interference problem, after receipt of written notice of such default; or (ii) Landlord's failure to perform any term, condition or breach of any warranty or covenant under this Agreement within forty-five (45) days after receipt of written notice from Tenant specifying the failure. No such failure, however, will be deemed to exist if Landlord has commenced to cure the default within such period and provided such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Landlord. If Landlord remains in default beyond any applicable cure period, Tenant will have the right to exercise any and all rights available to it under law and equity.

18. ASSIGNMENT/SUBLEASE. Tenant will have the right to assign, sell, or transfer its interest under this Agreement without the approval or consent of Landlord, to Tenant's parent or member company or any affiliate or subsidiary of or partner in, Tenant or its parent or member company or to any entity which acquires all or substantially all of the Tenant's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition, or other business reorganization. Upon notification to Landlord of such assignment, transfer or sale, Tenant will be relieved of all future performance, liabilities and obligations under this Agreement. Tenant may not otherwise assign this Agreement or sublease the Premises, in whole or in part, without Landlord's consent, Landlord's consent not to be unreasonably withheld, or delayed. However, all such approvals may require re-negotiation of the terms of the Lease.

19. NOTICES.

(a) All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows:

IF TO TENANT:

New Cingular Wireless PCS, LLC
Attn: Network Real Estate Administration
Re: Cell Site #: CN0772; Cell Site Name: I-780-COLUMBUS PARKWAY (CA)
Fixed Asset No: 10084561
12555 Cingular Way
Alpharetta, GA 30004

With a required copy of the notice sent to the address above to AT&T Legal at:

If sent via certified or registered mail:

New Cingular Wireless PCS, LLC

Attn: AT&T Legal Department
Re: Cell Site #: CN0772; Cell Site Name: I-780-COLUMBUS PARKWAY (CA)
Fixed Asset No.: 10084561
PO Box 97061
Redmond, WA 98073-9761

Or

If sent via nationally recognized overnight courier:

New Cingular Wireless PCS, LLC
Attn: AT&T Legal Department
Re: Cell Site #: CN0772; Cell Site Name: I-780-COLUMBUS PARKWAY (CA)
Fixed Asset No.: 10084561
16331 NE 72nd Way
Redmond, WA 98052-7827

A copy sent to the Legal Department is an administrative step which alone does not constitute legal notice.

IF TO LANDLORD:

City of Benicia, A Municipal Corporation
Attn: City Manager
250 East "L" Street
Benicia, CA 94510

Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

20.. CONDEMNATION. In the event Landlord receives notification of any condemnation proceedings affecting the Property, Landlord will provide notice of the proceeding to Tenant within forty-eight (48) hours. If a condemning authority takes all of the Property, or a portion sufficient, in Tenant's sole determination, to render the Premises unsuitable for Tenant, this Agreement will terminate as of the date the title vests in the condemning authority. The parties will each be entitled to pursue their own separate awards in the condemnation proceeds, which for Tenant will include, where applicable, the value of its Communication Facility, moving expenses, prepaid Rent, and business dislocation expenses, provided that any award to a Tenant will not diminish Landlord's recovery. Tenant will be entitled to reimbursement for any prepaid Rent on a prorata basis.

21. CASUALTY. If any part of the Communication Facility or Property is damaged by fire or other so as to render the Premises unsuitable, in Tenant's sole determination, then Tenant may terminate this Agreement by providing written notice to Landlord, which termination will be effective as of the date of such damage or destruction. Upon such termination, Tenant will be entitled to collect all insurance proceeds payable to Tenant on account thereof and to be reimbursed for any prepaid Rent on a prorata basis. If notice of termination is given, of if Landlord or Tenant undertakes to rebuild the Communication Facility, Landlord agrees to use its reasonable efforts to permit Tenant to place temporary transmission and reception facilities on the Property at no additional Rent until such time as Tenant is able to activate a replacement transmission facility at another location or the reconstruction of the Communication Facility is completed.

22. WAIVER OF LANDLORD'S LIENS. Landlord waives any and all lien rights it may have, statutory or otherwise, concerning the Communication Facility or any portion thereof. The Communication Facility shall be deemed personal property for purposes of this Agreement, regardless of whether any portion is deemed real or personal property under applicable law; Landlord consents to Tenant's right to remove all or any portion of the Communication Facility from time to time in Tenant's sole discretion and without Landlord's consent.

23. TAXES. Tenant shall be responsible for all taxes levied upon Tenant's leasehold improvements (including Tenant's equipment buildings) on the Premises. Landlord shall provide Tenant with copies of all assessment notices on or including the Premises immediately upon receipt, but in no event later than thirty (30) days after receipt by Landlord. Tenant shall have the right to contest, in good faith, the validity or the amount of any tax or assessment levied against the Premises by such appellate or other proceedings as may be appropriate in the jurisdiction, and may defer payment of such obligations, pay same under protest, or take such other steps as Tenant may deem appropriate. The expense of any such proceedings shall be borne by Tenant and any refunds or rebates secured as a result of Tenant's action shall belong to Tenant.

24. MISCELLANEOUS.

(a) **Amendment/Waiver.** This Agreement cannot be amended, modified or revised unless done in writing and signed by an authorized agent of the Landlord and an authorized agent of the Tenant. No provision may be waived except in a writing signed by both parties. The failure by a party to enforce any provision of this Agreement or to require performance by the other party will not be construed to be a waiver, or in any way affect the right of either party to enforce such provision thereafter.

(b) **Memorandum/Short Form Lease.** Either party will, at any time upon fifteen (15) business days prior written notice from the other, execute, acknowledge and deliver to the other recordable Memorandum or Short Form of Lease. Either party may record this Memorandum or Short Form of Lease at any time during the Term, in its absolute discretion.

(c) **Limitation of Liability.** Except for the indemnity obligations set forth in this Agreement, and otherwise notwithstanding anything to the contrary in this Agreement, Tenant and Landlord each waives any claims that each may have against the other with respect to consequential, incidental or special damages, however caused, based on any theory of liability.

(d) **Bind and Benefit.** The terms and conditions contained in this Agreement will run with the Property and bind and inure to the benefit of the parties, their respective heirs, executors, administrators, successors and assigns.

(e) **Entire Agreement.** This Agreement and the exhibits attached hereto, all being a part hereof, constitute the entire agreement of the parties hereto and will supersede all prior offers, negotiations and agreements with respect to the subject matter of this Agreement.

(f) **Governing Law.** This Agreement will be governed by the laws of the state in which the Premises are located, without regard to conflicts of law.

(g) **Interpretation.** Unless otherwise specified, the following rules of construction and interpretation apply: (i) captions are for convenience and reference only and in no way define or limit the construction of the terms and conditions hereof; (ii) use of the term "including" will be interpreted to mean "including but not limited to"; (iii) whenever a party's consent is required under this Agreement, except as otherwise stated in the Agreement or as same may be duplicative, such consent will not be unreasonably withheld, conditioned or delayed; (iv) exhibits are an integral part of this Agreement and are incorporated by reference into this Agreement; (v) use of the terms "termination" or "expiration" are interchangeable; (vi) reference to a default will take into consideration any applicable notice, grace and cure periods; (vii) to the extent there is any issue with respect to any alleged, perceived or actual ambiguity in this Agreement, the ambiguity shall not be resolved on the basis of who drafted the Agreement; and (viii) the singular use of words includes the plural where appropriate. .

(h) **Estoppel.** Either party will, at any time upon twenty (20) business days prior written notice from the other, execute, acknowledge and deliver to the other a statement in writing (i) certifying that this Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying this Agreement, as so modified, is in full force and effect) and the date to which the Rent and other charges are paid in advance, if any, and (ii) acknowledging that there are not, to such party's knowledge, any uncured defaults on the part of the other party hereunder, or specifying such defaults if any are claimed. . The requested party's failure to deliver such a statement within such time will be conclusively relied upon by the requesting party that (i) this Agreement is in full force and effect, without modification except as may be properly represented by the requesting party, (ii) there are no uncured defaults in either party's performance, and (iii) no more than one month's Rent has been paid in advance.

(i) **W-9.** Landlord agrees to provide Tenant with a completed IRS Form W-9, or its equivalent, upon execution of this Agreement and at such other times as may be reasonably requested by Tenant.

(j) **No Electronic Signatures/No Option.** The submission of this Agreement to any party for examination or consideration does not constitute an offer, reservation of or option for the Premises based on the terms set forth herein. This Agreement will become effective as a binding Agreement only upon the handwritten legal execution, acknowledgment and delivery hereof by Landlord and Tenant.

(k) **Severability.** If any term or condition of the Agreement is found unenforceable, the remaining terms and conditions will remain binding upon the parties as though said unenforceable provision were not contained herein. However, if the invalid, illegal or unenforceable provision materially affects this Agreement then the Agreement may be terminated by either party on ten (10) business days prior written notice to the other party hereto.

IN WITNESS WHEREOF, the parties have caused this Agreement to be effective as of the last date written below.

LANDLORD:

City of Benicia, A Municipal Corporation

By: _____
Print Name:
Its:

TENANT:

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation
Its: Manager

By: _____
Print Name:
Its:

[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]

TENANT ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____ before me, _____,
(insert name and title of the officer)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Name _____

(typed or printed)

(Seal)

LANDLORD ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____ before me, _____,
(insert name and title of the officer)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Name _____

(typed or printed)

(Seal)

EXHIBIT 1

DESCRIPTION OF PREMISES

The Premises are described and/or depicted as follows:

One (1) Equipment Enclosure 15' x 25' (375 square feet) with six foot (6') chain link fence

Seven (7) base transceiver stations (BTS) cabinets

Twelve (12) panel antennas (approximately 6' x 11"), mounted to twelve (12) ground-mounted poles (nineteen feet (19') in height)

Nine (9) tower mount amplifiers (TMAs)

as depicted in the attached drawings dated _____

Notes:

1. This Exhibit may be replaced by a land survey and/or construction drawings of the Premises once received by Tenant.
2. Any setback of the Premises from the Property's boundaries shall be the distance required by the applicable governmental authorities.
3. Width of access road shall be the width required by the applicable governmental authorities, including police and fire departments.
4. The type, number and mounting positions and locations of antennas and transmission lines are illustrative only. Actual types, numbers and mounting positions may vary from what is shown above.

When Recorded Return to:

New Cingular Wireless PCS, LLC
Attn: Network Real Estate Administration
12555 Cingular Way, Suite 1300
Alpharetta, GA 30004

APN: _____ [SJB1]

(Space Above This Line For Recorder’s Use Only)

Cell Site No: CN0772
Cell Site Name: I-780-COLUMBUS PKWY
Fixed Asset Number: 10085461
State: California
County: Solano County

MEMORANDUM OF LEASE

This Memorandum of Lease is entered into, effective on the latest signature date below, by and between City of Benicia, a Municipal Corporation, having a mailing address of 250 East “L” Street, Benicia, CA 94510 (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 (hereinafter referred to as "**Tenant**").

1. Landlord and Tenant entered into a certain Structure Lease Agreement (“**Agreement**”) on the ____ day of _____, 20__, for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing are set forth in the Agreement.
2. The initial lease term will be five (5) years ("**Initial Term**") commencing on the Effective Date of written notification by Tenant to Landlord of Tenant’s exercise of the Option, with four (4) successive five (5) year options to renew.
3. The portion of the land being leased to Tenant (the “**Premises**”) is described in **Exhibit 1** annexed hereto.
4. This Memorandum of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Lease and the provisions of the Agreement, the provisions of the Agreement shall control. The Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the day and year written below.

LANDLORD:
City of Benicia, A Municipal Corporation

TENANT:
New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation
Its: Manager

By: _____
Print Name:
Its:
Date:

By: _____
Print Name:
Its:
Date:

Prepared by:
SAC NAME
SAC FIRM
FIRM ADDRESS
CITY, STATE ZIP

[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]

TENANT ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____ before me, _____,
(insert name and title of the officer)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Name _____
(typed or printed)

(Seal)

LANDLORD ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____ before me, _____,
(insert name and title of the officer)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Name _____
(typed or printed)

(Seal)

EXHIBIT 1

DESCRIPTION OF PREMISES

to the Memorandum of Lease dated _____, 2011, by and between City of Benicia, A Municipal Corporation, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

The Premises are described and/or depicted as follows:

Real property in the City of BENICIA, County of SOLANO, State of CALIFORNIA, described as follows:

PARCEL ONE:

PARCEL B AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3, BENICIA, SOLANO COUNTY, CALIFORNIA", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER, COUNTY OF SOLANO, STATE OF CALIFORNIA ON FEBRUARY 27, 1992 IN BOOK 61 OF MAPS AT PAGE 92.

EXCEPTING THEREFROM: ALL THAT PORTION AS CONVEYED BY DEED DATED AUGUST 4, 1997, EXECUTED BY THE CITY OF BENICIA, A MUNICIPAL CORPORATION, TO FN PROJECTS, INC., A CALIFORNIA CORPORATION, BY GRANT DEED RECORDED MAY 27, 1998 AS DOCUMENT NO. 1998-00039654, SOLANO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

DESCRIPTION OF PARCEL 70-A FOR LOT LINE ADJUSTMENT BETWEEN LOT 70 & PARCEL "B" AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3" FILED IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, BENICIA, SOLANO COUNTY, CALIFORNIA:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 70, SAID LOT AS SHOWN ON THE FINAL MAP OF SOUTHAMPTON, UNIT "D-3", FILED IN BOOK 61 OF MAPS AT PAGE 92, SOLANO COUNTY RECORDS; THENCE SOUTH 48° 21' 02" WEST 31.76 FEET; THENCE NORTH 28° 31' 30" WEST, 30.79 FEET; THENCE NORTH 00° 00' 00" WEST, 67.96 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 70; THENCE SOUTH 19° 45' 00" EAST 40.00 FEET; THENCE SOUTH 34° 30' 00" EAST 44.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM: ALL THAT PORTION AS CONVEYED BY DEED DATED AUGUST 4, 1997, EXECUTED BY THE CITY OF BENICIA, A MUNICIPAL CORPORATION, TO FN PROJECTS, INC., A CALIFORNIA CORPORATION BY GRANT DEED RECORDED MAY 27, 1998 AS DOCUMENT NO. 1998-00039655, SOLANO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

DESCRIPTION OF PARCEL 71-A FOR LOT LINE ADJUSTMENT BETWEEN LOT 71 & PARCEL "B" AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3", FILED IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, BENICIA, SOLANO COUNTY, CALIFORNIA:

BEGINNING AT THE MOST SOUTHEAST CORNER OF LOT 71, SAID LOT AS SHOWN ON THE FINAL MAP OF SOUTHAMPTON, UNIT "B-3", FILED IN BOOK 61 OF MAPS AT PAGE 92, SOLANO COUNTY RECORDS; THENCE SOUTH 3° 00' 12" WEST 22.34 FEET; THENCE SOUTH 77° 39' 25" WEST, 21.18 FEET; THENCE NORTH 69° 38' 12" WEST, 39.80 FEET; THENCE NORTH 58° 30' 44" WEST, 49.21 FEET; THENCE NORTH 45° 24' 48" WEST, 40.58 FEET; THENCE NORTH 45° 24' 48" WEST 40.58 FEET; THENCE NORTH 48° 21' 02" EAST, 31.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 71; THENCE SOUTH 43° 00' 00" EAST 41.50 FEET; THENCE SOUTH 55° 00' 00" EAST 38.50 FEET; THENCE SOUTH 78° 00' 00" EAST 47.50 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM: ALL THAT PORTION AS CONVEYED BY DEED DATED AUGUST 4, 1997, EXECUTED BY THE CITY OF BENICIA, A MUNICIPAL CORPORATION, TO FN PROJECTS, INC., A CALIFORNIA CORPORATION BY GRANT DEED RECORDED MAY 27, 1998 AS DOCUMENT NO. 1998-00039656, SOLANO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

EXHIBIT 1 CONTINUED

DESCRIPTION OF PREMISES

DESCRIPTION OF PARCEL 72-A FOR LOT LINE ADJUSTMENT BETWEEN LOT 72 & PARCEL "B" AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3" FILED IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, BENICIA, SOLANO COUNTY, CALIFORNIA:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 72, SAID LOT AS SHOWN ON THE FINAL MAP OF THE SOUTHAMPTON UNIT "B-3", FILED IN BOOK 61 OF MAPS AT PAGE 92, SOLANO COUNTY RECORDS; THENCE SOUTH $12^{\circ} 30' 00''$ EAST, 2.22 FEET; THENCE SOUTH $77^{\circ} 39' 25''$ WEST, 98.79 FEET; THENCE NORTH $3^{\circ} 00' 12''$ EAST, 22.34 FEET; TO THE SOUTHWEST CORNER OF SAID LOT 72; THENCE SOUTH $84^{\circ} 00' 00''$ EAST, 48.00 FEET; THENCE NORTH $82^{\circ} 45' 00''$ EAST, 47.50 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM: ALL THAT PORTION AS CONVEYED BY DEED DATED AUGUST 4, 1997, EXECUTED BY THE CITY OF BENICIA, A MUNICIPAL CORPORATION, TO FN PROJECTS, INC., A CALIFORNIA CORPORATION BY GRANT DEED RECORDED MAY 27, 1998 AS DOCUMENT NO. 1998-00039657, SOLANO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

DESCRIPTION OF PARCEL 73-A FOR LOT LINE ADJUSTMENT BETWEEN LOT 73 & PARCEL "B" AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3" FILED IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, BENICIA, SOLANO COUNTY CALIFORNIA:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 73, SAID LOT AS SHOWN ON THE FINAL MAP OF SOUTHAMPTON, UNIT "D-3", FILED IN BOOK 61 OF MAPS AT PAGE 92, SOLANO COUNTY RECORDS; THENCE SOUTH $64^{\circ} 39' 08''$ WEST, 85.13 FEET; THENCE NORTH $12^{\circ} 30' 00''$ WEST, 19.22 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 73, THENCE NORTH $77^{\circ} 42' 00''$ EAST 83.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL TWO:

ALL THAT PORTION OF LOT 125 AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT 3-D, BENICIA, SOLANO COUNTY, CALIFORNIA", WHICH MAP WAS FILED FEBRUARY 27, 1992, IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

DESCRIPTION OF PARCEL "1-B" FOR LOT LINE ADJUSTMENT BETWEEN LOT 125 & PARCEL "B" AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3" FILED IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, BENICIA, SOLANO COUNTY, CALIFORNIA:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 125, SAID LOT AS SHOWN ON THE FINAL MAP OF SOUTHAMPTON, UNIT "D-3", FILED IN BOOK 61 OF MAPS AT PAGE 92, SOLANO COUNTY RECORDS; THENCE NORTH $6^{\circ} 39' 00''$ WEST, 25.08 FEET; THENCE NORTH $59^{\circ} 53' 48''$ EAST, 107.99 FEET, TO A POINT ON THE SOUTHWESTERLY LINE OF GALLAGHER DRIVE, BEING ALSO A POINT ON A CURVE HAVING A RADIAL BEARING $61^{\circ} 25' 42''$; THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, WITH A RADIUS OF 382.50 FEET, CENTRAL ANGLE OF $02^{\circ} 59' 45''$ AND LENGTH OF CURVE OF 20.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 125; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 125; SOUTH $58^{\circ} 25' 57''$ WEST, 118.00 FEET TO THE TRUE POINT OF BEGINNING.

APN: 0083-210-210

Request for Taxpayer Identification Number and Certification

Give form to the
 requester. Do not
 send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number
: : :
: : :
OR
Employer identification number
: : : : : : :

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

Prepared by and Return to:

New Cingular Wireless PCS, LLC
Attn. Property manager
3851 N Freeway Blvd.
Sacramento, CA 95834

Market: San Francisco - Sacramento
Cell Site Number: CN0772
Cell Site Name: I-780-COLUMBUS PARKWAY
FA Number: 3701000777
Address: APN 0083-210-210, Benicia
County: Solano County

**SUBORDINATION, NON-DISTURBANCE
AND ATTORNMENT AGREEMENT**

THIS AGREEMENT ("Agreement), dated as of the date below, between _____ having its principal office at _____, (hereinafter called "**Mortgagee**") and City of Benicia, A Municipal Corporation having its principal office/residing at 250 East "L" Street, Benicia, CA 94510 (hereinafter called "**Landlord**"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 (hereinafter called "**Tenant**").

W I T N E S S E T H :

WHEREAS, Tenant has entered into a certain lease dated _____, 2011, (the "**Lease**") with Landlord, covering property more fully described in **Exhibit 1** attached hereto and made a part hereof (the "**Premises**"); and

WHEREAS, Landlord has given to Mortgagee a mortgage (the "**Mortgage**") upon property being identified as APN 0083-210-210 in the City of Benicia, Solano County, State of California ("**Property**"), a part of which Property contains the Premises; and

WHEREAS, the Mortgage on the property is in the original principal sum of _____ (\$_____) Dollars, which Mortgage has been recorded in the appropriate public office in and for _____ County, _____ ("**Mortgage**"); and

WHEREAS, Tenant desires to be assured of continued occupancy of the Premises under the terms of the Lease and subject to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements herein contained, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

1. So long as this Agreement will remain in full force and effect, the Lease is and will be subject and subordinate to the lien and effect of the Mortgage insofar as it affects the real

property and fixtures of which the Premises forms a part (but not Tenant's trade fixtures and other personal property), and to all renewals, modifications, consolidations, replacements and extensions thereof, to the full extent of the principal sum secured thereby and interest thereon, with the same force and effect as if the Mortgage had been executed, delivered, and duly recorded among the above-mentioned public records, prior to the execution and delivery of the Lease.

2. In the event Mortgagee takes possession of the Premises as mortgagee-in-possession, including but not limited to, by deed in lieu of foreclosure or foreclosure of the Mortgage, Mortgagee agrees not to affect or disturb Tenant's right to possession of the Premises and any of Tenant's other rights under the Lease in the exercise of Mortgagee's rights so long as Tenant is not then in default, after applicable notice and/or grace periods, under any of the terms, covenants, or conditions of the Lease.

3. In the event that Mortgagee succeeds to the interest of Landlord or other landlord under the Lease and/or to title to the Premises, Mortgagee and Tenant hereby agree to be bound to one another under all of the terms, covenants and conditions of the Lease; accordingly, from and after such event, Mortgagee and Tenant will have the same remedies against one another for the breach of an agreement contained in the Lease as Tenant and Landlord had before Mortgagee succeeded to the interest of Landlord; provided, however, that Mortgagee will not be:

- (a) personally liable for any act or omission of any prior landlord (including Landlord); or
- (b) bound by any rent or additional rent which Tenant might have paid for more than the payment period as set forth under the Lease (one month, year etc.) in advance to any prior landlord (including Landlord).

4. In the event that Mortgagee or anyone else acquires title to or the right to possession of the Premises upon the foreclosure of the Mortgage, or upon the sale of the Premises by Mortgagee or its successors or assigns after foreclosure or acquisition of title in lieu thereof or otherwise, Tenant agrees not to seek to terminate the Lease by reason thereof, but will remain bound unto the new owner so long as the new owner is bound to Tenant (subject to paragraph 3 above) under all of the terms, covenants and conditions of the Lease.

5. Mortgagee understands, acknowledges and agrees that notwithstanding anything to the contrary contained in the Mortgage and/or any related financing documents, including, without limitation, any UCC-1 financing statements, Mortgagee will acquire no interest in any furniture, equipment, trade fixtures and/or other property installed by Tenant on the Property. Mortgagee hereby expressly waives any interest which Mortgagee may have or acquire with respect to such furniture, equipment, trade fixtures and/or other property of Tenant now, or hereafter, located on or affixed to the Property or any portion thereof and Mortgagee hereby agrees that same do not constitute realty regardless of the manner in which same are attached or affixed to the Property.

6. This Agreement will be binding upon and will extend to and benefit the successors and assigns of the parties hereto and to any assignees or subtenants of Tenant which are permitted under the Lease. The term "**Mortgagee**", when used in this Agreement will be deemed to include any person or entity which acquires title to or the right to possession of the Premises by, through or under Mortgagee and/or the Mortgage, whether directly or indirectly.

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be executed
this ____ day of _____, 2011.

LANDLORD: City of Benicia, A Municipal Corporation

By: _____
Name: _____
Title: _____

TENANT: New Cingular Wireless PCS, LLC
A Delaware limited liability company
By: AT&T Mobility Corporation
Its: Manager

By: _____
Name: _____
Title: _____

MORTGAGEE: _____,
a _____

By: _____
Name: _____
Title: _____

LANDLORD

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____ before me, _____, the undersigned, a Notary Public in and for said State, personally appeared _____

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Name _____

(typed or printed)

(Seal)

TENANT

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____ before me, _____, the undersigned, a Notary Public in and for said State, personally appeared _____

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Name _____

(typed or printed)

(Seal)

MORTGAGEE (CORPORATION)

STATE OF _____)
) ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, by _____ [name of representative] the _____ [title] of _____ [name of banking institution], a _____ corporation on behalf of the corporation () who is personally known OR () who produced _____ as identification.

Notary Public
My Commission Expires: _____

EXHIBIT 1

DESCRIPTION OF PREMISES

Real property in the City of BENICIA, County of SOLANO, State of CALIFORNIA, described as follows:

PARCEL ONE:

PARCEL B AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3, BENICIA, SOLANO COUNTY, CALIFORNIA", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER, COUNTY OF SOLANO, STATE OF CALIFORNIA ON FEBRUARY 27, 1992 IN BOOK 61 OF MAPS AT PAGE 92.

EXCEPTING THEREFROM: ALL THAT PORTION AS CONVEYED BY DEED DATED AUGUST 4, 1997, EXECUTED BY THE CITY OF BENICIA, A MUNICIPAL CORPORATION, TO FN PROJECTS, INC., A CALIFORNIA CORPORATION, BY GRANT DEED RECORDED MAY 27, 1998 AS DOCUMENT NO. 1998-00039654, SOLANO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

DESCRIPTION OF PARCEL 70-A FOR LOT LINE ADJUSTMENT BETWEEN LOT 70 & PARCEL "B" AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3" FILED IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, BENICIA, SOLANO COUNTY, CALIFORNIA:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 70, SAID LOT AS SHOWN ON THE FINAL MAP OF SOUTHAMPTON, UNIT "D-3", FILED IN BOOK 61 OF MAPS AT PAGE 92, SOLANO COUNTY RECORDS; THENCE SOUTH 48° 21' 02" WEST 31.76 FEET; THENCE NORTH 28° 31' 30" WEST, 30.79 FEET; THENCE NORTH 00° 00' 00" WEST, 67.96 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 70; THENCE SOUTH 19° 45' 00" EAST 40.00 FEET; THENCE SOUTH 34° 30' 00" EAST 44.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM: ALL THAT PORTION AS CONVEYED BY DEED DATED AUGUST 4, 1997, EXECUTED BY THE CITY OF BENICIA, A MUNICIPAL CORPORATION, TO FN PROJECTS, INC., A CALIFORNIA CORPORATION BY GRANT DEED RECORDED MAY 27, 1998 AS DOCUMENT NO. 1998-00039655, SOLANO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

DESCRIPTION OF PARCEL 71-A FOR LOT LINE ADJUSTMENT BETWEEN LOT 71 & PARCEL "B" AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3", FILED IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, BENICIA, SOLANO COUNTY, CALIFORNIA:

BEGINNING AT THE MOST SOUTHEAST CORNER OF LOT 71, SAID LOT AS SHOWN ON THE FINAL MAP OF SOUTHAMPTON, UNIT "B-3", FILED IN BOOK 61 OF MAPS AT PAGE 92, SOLANO COUNTY RECORDS; THENCE SOUTH 3° 00' 12" WEST 22.34 FEET; THENCE SOUTH 77° 39' 25" WEST, 21.18 FEET; THENCE NORTH 69° 38' 12" WEST, 39.80 FEET; THENCE NORTH 58° 30' 44" WEST, 49.21 FEET; THENCE NORTH 45° 24' 48" WEST, 40.58 FEET; THENCE NORTH 45° 24' 48" WEST 40.58 FEET; THENCE NORTH 48° 21' 02" EAST, 31.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 71; THENCE SOUTH 43° 00' 00" EAST 41.50 FEET; THENCE SOUTH 55° 00' 00" EAST 38.50 FEET; THENCE SOUTH 78° 00' 00" EAST 47.50 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM: ALL THAT PORTION AS CONVEYED BY DEED DATED AUGUST 4, 1997, EXECUTED BY THE CITY OF BENICIA, A MUNICIPAL CORPORATION, TO FN PROJECTS, INC., A CALIFORNIA CORPORATION BY GRANT DEED RECORDED MAY 27, 1998 AS DOCUMENT NO. 1998-00039656, SOLANO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

EXHIBIT 1 CONT.

DESCRIPTION OF PREMISES

DESCRIPTION OF PARCEL 72-A FOR LOT LINE ADJUSTMENT BETWEEN LOT 72 & PARCEL "B" AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3" FILED IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, BENICIA, SOLANO COUNTY, CALIFORNIA:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 72, SAID LOT AS SHOWN ON THE FINAL MAP OF THE SOUTHAMPTON UNIT "B-3", FILED IN BOOK 61 OF MAPS AT PAGE 92, SOLANO COUNTY RECORDS; THENCE SOUTH 12° 30' 00" EAST, 2.22 FEET; THENCE SOUTH 77° 39' 25" WEST, 98.79 FEET; THENCE NORTH 3° 00' 12" EAST, 22.34 FEET; TO THE SOUTHWEST CORNER OF SAID LOT 72; THENCE SOUTH 84° 00' 00" EAST, 48.00 FEET; THENCE NORTH 82° 45' 00" EAST, 47.50 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM: ALL THAT PORTION AS CONVEYED BY DEED DATED AUGUST 4, 1997, EXECUTED BY THE CITY OF BENICIA, A MUNICIPAL CORPORATION, TO FN PROJECTS, INC., A CALIFORNIA CORPORATION BY GRANT DEED RECORDED MAY 27, 1998 AS DOCUMENT NO. 1998-00039657, SOLANO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

DESCRIPTION OF PARCEL 73-A FOR LOT LINE ADJUSTMENT BETWEEN LOT 73 & PARCEL "B" AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3" FILED IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, BENICIA, SOLANO COUNTY CALIFORNIA:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 73, SAID LOT AS SHOWN ON THE FINAL MAP OF SOUTHAMPTON, UNIT "D-3", FILED IN BOOK 61 OF MAPS AT PAGE 92, SOLANO COUNTY RECORDS; THENCE SOUTH 64° 39' 08" WEST, 85.13 FEET; THENCE NORTH 12° 30' 00" WEST, 19.22 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 73, THENCE NORTH 77° 42' 00" EAST 83.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL TWO:

ALL THAT PORTION OF LOT 125 AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT 3-D, BENICIA, SOLANO COUNTY, CALIFORNIA", WHICH MAP WAS FILED FEBRUARY 27, 1992, IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

DESCRIPTION OF PARCEL "1-B" FOR LOT LINE ADJUSTMENT BETWEEN LOT 125 & PARCEL "B" AS SHOWN ON THE MAP ENTITLED "FINAL MAP OF SOUTHAMPTON UNIT D-3" FILED IN BOOK 61 OF MAPS, PAGE 92, SOLANO COUNTY RECORDS, BENICIA, SOLANO COUNTY, CALIFORNIA:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 125, SAID LOT AS SHOWN ON THE FINAL MAP OF SOUTHAMPTON, UNIT "D-3", FILED IN BOOK 61 OF MAPS AT PAGE 92, SOLANO COUNTY RECORDS; THENCE NORTH 6° 39' 00" WEST, 25.08 FEET; THENCE NORTH 59° 53' 48" EAST, 107.99 FEET, TO A POINT ON THE SOUTHWESTERLY LINE OF GALLAGHER DRIVE, BEING ALSO A POINT ON A CURVE HAVING A RADIAL BEARING 61° 25' 42"; THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, WITH A RADIUS OF 382.50 FEET, CENTRAL ANGLE OF 02° 59' 45" AND LENGTH OF CURVE OF 20.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 125; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 125; SOUTH 58° 25' 57" WEST, 118.00 FEET TO THE TRUE POINT OF BEGINNING.

APN: 0083-210-210

RESOLUTION NO. 10-1 (PC)

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BENICIA APPROVING A USE PERMIT FOR INSTALLATION OF
A WIRELESS COMMUNICATION FACILITY AT 257 ESSEX WAY, APN: 083-210-210
(USE PERMIT 09PLN-00039)**

WHEREAS, AT&T Mobility has requested Use Permit approval for a wireless communications facility at 257 Essex Way; and

WHEREAS, the Planning Commission at a regular meeting on June 10, 2010, conducted a public hearing and reviewed the proposed project;

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Benicia hereby approves the wireless communications facility; and

BE IT FURTHER RESOLVED THAT the Planning Commission finds that:

- a) The proposed location of the project and the conditions under which it would be operated and maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity *because the proposed wireless communications facility will be installed at a site that houses City water tanks and several wireless facilities that is not accessible to the general public.*
- b) Development of the proposed facility as conditioned will not significantly affect any designated visual resources, environmentally sensitive resources, community character resources; or, that there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed wireless communications facility as conditioned *because this site currently has several existing wireless facilities and the proposed facility would not pose any significant impact to surrounding parcels.*
- c) The proposed facility is in compliance with all FCC regulations *because based on the EMF Study performed by Hammett & Edison, Inc. dated May 11, 2010, the proposed wireless facility complies with the prevailing FCC standards and regulations for limiting public exposure to radio frequency energy.*
- d) The proposed location and design of the project and the conditions under which it would be operated or maintained will be consistent with all elements of the Benicia General Plan *because the use is consistent with the Open Space zoning designation and the zoning ordinance.*
- e) The proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be visually compatible with the physical design

aspects because there are several other communication facilities at this site, so it will not add to the visual clutter.

BE IT FURTHER RESOLVED THAT the Benicia Planning Commission hereby approves the proposed project subject to the following conditions:

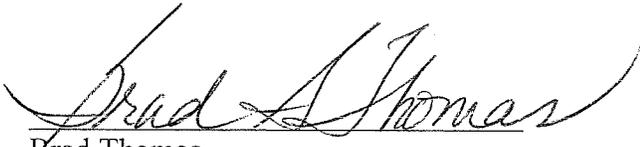
1. The plans and maps submitted for approval and development of the site shall be in substantial compliance with the plans dated January 20, 1010 prepared by Streamlining Engineering consisting of five sheets on file in the Public Works & Community Development Department.
2. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Public Works & Community Development Director, if the application for time extension is received prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site and there is no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.
3. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
4. Existing water facilities and appurtenances shall be protected in place. Any damages incurred as a result of this project to City facilities and appurtenances will be immediately repaired at the sole cost and expense of AT&T.
5. Antennas, support structures and related equipment shall be removed within 90 calendar days of the discontinuation of the use of a wireless communication facility and the site shall be restored to its previous condition. The applicant shall notify the Public Works & Community Development Department in writing of the intent to remove the facility within 30 days prior to discontinuance.
6. The operator of a wireless communication facility must correct interference problems experienced by any person or entity with respect to equipment such as television, radio, computer, and telephone reception or transmission that are caused by the facility. The operator shall be responsible for all labor and equipment costs for determining the source of the interference and all costs associated with eliminating the interference.
7. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Public Works & Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which

action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

* * * * *

On motion of Commissioner Sherry, seconded by Commissioner Syracuse, the above Resolution was adopted by the Planning Commission of the City of Benicia at a regular meeting of said Commission held on June 10, 2010 by the following vote:

Ayes: Commissioners Dean, Sherry, Bortolazzo, Ernst, Syracuse, and Vice Chair Thomas
Noes: None
Absent: Chair Healy


Brad Thomas
Planning Commission Vice Chair

AGENDA ITEM
CITY COUNCIL MEETING DATE - APRIL 19, 2011
ACTION ITEM

DATE : April 5, 2011
TO : City Manager
FROM : Parks and Community Services Director
SUBJECT : **AUTHORIZE PURCHASE OF COMMUNITY CENTER FURNITURE**

RECOMMENDATION:

Adopt the Resolution authorizing the purchase of furniture from Krueger International and authorize the Finance Director to sign a purchase order on behalf of the City in the amount of \$87,619.28.

EXECUTIVE SUMMARY:

Purchase furniture for the program rooms, conference room and multi-purpose room for the Community Center.

BUDGET INFORMATION:

The purchase price for the furniture is \$87,619.28. The purchase price was secured through CMAS #4-09-71-0075B, which includes tax, shipping and installation. Currently, there is \$175,000.00 allocated by City Council for furniture in the Community Center project budget account #047-9020-9255.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue 2: Protecting and Enhancing the Environment
 - Strategy 3: Pursue and adopt sustainable practices
- Strategic Issue 5: Maintain and Enhance a High Quality of Life
 - Strategy 1: Provide community activity centers

BACKGROUND:

Furniture is required for the public space areas in the Community Center such as, the program rooms, conference rooms and multi-purpose room. As part of the design, the furniture is color coded to match the color of the room so the public will have ease of determining the location of a specific program. Staff secured a low bid price through CMAS. Upon issuance of a purchase order the furniture is scheduled to be delivered within 4-6 weeks.

We (staff) will continue to use our existing office furniture reducing the overall cost impact of furniture for the Community Center. Other program and meeting room furniture will remain at the Youth Activity Center for recreation and other community programs and meetings that will continue at that facility.

Attachment:

- Proposed Resolution

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF FURNITURE FOR THE BENICIA COMMUNITY CENTER FROM KRUEGER INTERNATIONAL IN AN AMOUNT OF \$87,619.28 AND AUTHORIZING THE FINANCE DIRECTOR TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

WHEREAS, the City is building a Community Center; and

WHEREAS, furniture is required for program rooms, conference rooms and the multi-purpose room; and

WHEREAS, sufficient funds for this expenditure are available per the adopted 2010-11 fiscal year budget in the Community Center Project budget.

WHEREAS, the items will be purchased using the CMAS purchasing agreement which is in accordance with Benicia Municipal Code section 3.08.110.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby authorizes the purchase of furniture for the Benicia Community Center from Krueger International in the amount of \$87,619.28 and authorizes the Finance Director to sign the purchase order on behalf of the City.

On motion of Council Member _____ and seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 19th day of April, 2011, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - APRIL 19, 2011
ACTION ITEMS

DATE : April 4, 2011

TO : City Manager

FROM : Public Works and Community Development Director

SUBJECT : **AWARD OF CONSULTANT CONTRACT FOR PROFESSIONAL SERVICES FOR THE 2011 SUSTAINABILITY EDUCATIONAL WORKSHOPS**

RECOMMENDATION:

Receive a presentation from Community Sustainability Commission Vice-Chair Beutel and consider the Commission's recommendation to adopt a resolution approving a contract for professional services with Dominican University of California for a not-to-exceed cost of \$24,000, an additional \$5,000 for costs related to providing the Educational Workshops, and authorizing the City Manager to sign the contract on behalf of the City.

EXECUTIVE SUMMARY:

City staff does not have the expertise to perform this work in-house, and the consultant has the faculty expertise necessary for this specialized project. The 2011 Sustainability Educational Workshops are intended to educate the community about building a sustainable economy and about ways to reduce greenhouse gas emissions to realize the associated benefits, consistent with the objectives and strategies of the Climate Action Plan.

BUDGET INFORMATION:

The not-to-exceed cost of the 2011 Sustainability Educational Workshops is \$29,000, which includes a \$24,000 contract with Dominican University of California to develop the courses and \$5,000 for costs related to providing the courses. Authorization of appropriation from the Valero-Good Neighbor Steering Committee Settlement Agreement account, in which \$664,204 is available, is requested to cover these costs. These funds are not part of the General Fund.

GENERAL PLAN:

The overarching Goal of the General Plan is Sustainability. CAP Strategy EO-1.3 addresses the following General Plan goals:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the

City and community while maintaining health, safety, and quality of life.

- Goal 3.27: Improve energy efficiency.

STRATEGIC PLAN:

Relevant Strategic Plan Issue and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
 - Strategy #1: Reduce greenhouse gas emissions and energy consumption
 - Strategy #3: Pursue and adopt sustainable practices

CLIMATE ACTION PLAN:

Relevant Climate Action Plan Objectives and Strategies:

- Objective EO-1: Increase Public Awareness and Education About Climate Change
 - Strategy EO-1.3: Educational Workshops

BACKGROUND:

At its November 15, 2010 regular meeting, the Community Sustainability Commission (CSC) recognized Climate Action Plan (CAP) Strategy EO-1.3: Educational Workshops as a priority for implementation in 2011. On December 7, 2010, the City Council received a presentation from the CSC and affirmed the priorities, which included this strategy.

SUMMARY:

In the effort to support education and outreach while promoting steps in Benicia towards a more sustainable future, a working group of the CSC has collaborated for the past several months with Solano Community College (SCC) and Dominican University's Environmental Finance Center Region 9 (EFC9) and Green MBA program to develop a series of workshops that will be offered to the public, titled "Stewards of Our Children's Future: 2011."

EFC9 is a Dominican University based center that works for sustainable communities through cleaner business by promoting pollution prevention, source reduction and energy conservation. EFC9's major initiatives include climate change mitigation and adaptation, developing tribal green economies and promoting non-toxic personal care products. It has also helped launch green business certification programs in San Francisco, Sacramento, San Diego, Santa Barbara and Los Angeles.

The proposed curriculum for Benicia includes lectures/workshops in three categories:

Introductory Lectures (SCC)

1. Local, Regional, National and Global Sustainability
2. Understanding Climate Change
3. Climate Action Plan and Benicia
4. Energy, Water Conservation and Waste Reduction
5. Where are the Green Jobs?

Benicia Sustainable Economy Series (Dominican)

1. Principles of Sustainable Business
2. Sustainable Operations Management
3. Metrics, Policy and Advocacy
4. Marketing Tactics and Strategies
5. Business, Government and Civil Society
6. Culture, Values and Ethics

Climate Action Series: Exploring Benicia's Climate Action Plan (Dominican)

1. Emissions Generation and Reductions
2. Energy: Supply and Demand and Renewables
3. Transportation Realities and Considerations
4. Building Performance
5. Industrial and Commercial Sustainability
6. Water and Wastewater: New Technologies and Concepts
7. Waste Management
8. Land Use: Parks and Open Space

The Introductory lectures will be provided by SCC faculty and will be developed to appeal to the general public. The format of these 2-hour long lectures will include a 30-45 minute presentation followed by a 75-90 minute facilitated discussion regarding the subject matter's applicability to Benicia. These lectures will be offered at no cost to the City and take place at either the Benicia Public Library or Heritage Presbyterian Church.

The Sustainable Economy and Climate Action Series workshops would be taught by Dominican faculty, alumni and/or subject matter experts. These workshops would respectively concentrate on the role of sustainability in business and the CAP's eight focus areas, and will be targeted to appeal to a more engaged audience that includes the City Council, appointed and elected officials, the commercial/industrial business community and City staff. Detailed descriptions of the proposed lectures and workshops are attached.

Dominican University submitted a proposal and cost estimate to offer the 14 advanced-level courses at a cost of \$24,000. Should Council decide not to approve this proposal, SCC has expressed interest in offering similar courses

without cost to the City. The CSC unanimously recommended utilizing Dominican due to the stature and experience of its programs and faculty.

The launch of the Introductory Lectures by SCC will commence with the first lecture on April 12. If approved by Council, the Sustainable Economy and Climate Action Series workshops are anticipated to begin after the last introductory lecture, which should occur in summer or fall 2011.

On March 21, 2011, the Commission received a presentation from Vice-Chair Beutel and Lauralee Barbaria of Dominican regarding the Sustainable Economy and Climate Action Series workshops and voted unanimously to recommend that the City utilize the faculty expertise at Dominican University to develop these advanced education courses on sustainability, as proposed. The Commission also recommended the authorization of \$5,000 for costs associated with providing the workshops that include publicity, meeting space rental, supplies, etc.

Attachments:

- Resolution
- March 21, 2011 CSC DRAFT meeting minutes
- Course Descriptions
- Dominican University Proposal
- Budget

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING A CONSULTANT AGREEMENT FOR PROFESSIONAL SERVICES FOR THE 2011 SUSTAINABILITY EDUCATIONAL WORKSHOPS TO DOMINICAN UNIVERSITY OF CALIFORNIA FOR A NOT-TO-EXCEED COST OF \$24,000, APPROVING AN ADDITIONAL \$5,000 FOR COSTS RELATED TO PROVIDING THE WORKSHOPS AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, the City Council adopted Benicia's Climate Action Plan on September 15, 2009; and

WHEREAS, Strategy EO-1.3 of the Climate Action Plan calls for conducting workshops to educate the community on ways to reduce greenhouse gas emissions and the benefits associated with reducing emissions, specifically by organizing and hosting an educational workshop series at least once a year, potentially associated with Earth Day in the spring and International Climate Action Day in the fall; and

WHEREAS, at its regular meeting on November 15, 2010, the Community Sustainability Commission formally recognized CAP Strategy EO-1.3 as a priority for implementation in 2011; and

WHEREAS, at its regular meeting on December 7, 2010, the City Council formally affirmed the implementation of the Community Sustainability Commission's priorities for 2011, which included CAP Strategy EO-1.3; and

WHEREAS, the Community Sustainability Commission collaborated with Solano Community College and Dominican University of California to identify the educational workshop curriculum for 2011; and

WHEREAS, Dominican University of California has the faculty and expertise to develop and offer advanced level courses on sustainability and is therefore highly qualified to provide the necessary services for the 2011 Educational Workshops; and

WHEREAS, at its regular meeting on March 21, 2011, the Community Sustainability Commission considered the Education & Outreach Work Group's proposal and unanimously recommended City Council authorization to approve funding in the amount of \$24,000 with Dominican University of California to develop and offer fourteen courses about building a sustainable economy and the Climate Action Plan to the public, and \$5,000 for costs associated with providing these courses.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby awards a consultant agreement for professional services for the 2011 Sustainability Educational Workshops to Dominican University of California for a not-to-exceed cost of \$24,000, approves an additional \$5,000 for costs related to providing the workshops and authorizes the City Manager to sign the contract on behalf of the City, subject to approval by the City Attorney.

BE IT FURTHER RESOLVED THAT funds sufficient to cover the total cost of \$29,000 will be transferred from the Valero/Good Neighbor Steering Committee Settlement Agreement account.

* * * *

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council on the 19th day of April, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



BENICIA COMMUNITY SUSTAINABILITY COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING MINUTES

Monday, March 21, 2011

7:00 P.M.

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Beutel, Fiscalini, Lamoreux, Tringali and Chair
Kerridge

Absent: Commissioner Silva

Present: Ex-Officio Members Bardet, and Scott

Absent: Ex-Officio Members Switzer and Lopez

Staff Present: Heather McLaughlin, City Attorney
Melissa Morton, Land Use Manager
Harvey Higgs, Building Official
Doug Vu, Associate Planner
Stacy Hatfield, Sr. Administrative Clerk, Recording Secretary

C. Reference to Fundamental Rights of Public - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance

II. ADOPTION OF AGENDA

On motion of Vice Chair Beutel, seconded by Commissioner Fiscalini, the Agenda was approved by a majority vote.

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

None

IV. CONSENT CALENDAR

On motion of Commissioner Lamoreux, seconded by Vice Chair Beutel, the Consent Calendar was approved as amended by a majority vote.

- A.** Approval of Minutes of the January 24, 2011 Regular Meeting

V. PRESENTATIONS

A. OPEN GOVERNMENT TRAINING – HEATHER MCLAUGHLIN

City Attorney, Heather McLaughlin, provided Open Government training to those in attendance. This training included review of the Brown Act, the City's Code of Conduct and other related issues. The Commissioners asked questions for further clarification.

B. VALERO CONDENSATE RECOVERY PROJECT I – CHRIS HOWE/RICK WALKER

Chris Howe of Valero gave a presentation on Phase 1 of the Benicia Refinery's Steam Condensate Recovery Project. Chris explained that the project is sustainable by conserving water and energy and improving safety and equipment reliability.

The Commissioners asked further questions and expressed an interest in taking a tour of the refinery as well.

C. URBAN WATER MANAGEMENT PLAN UPDATE – CARRIE WENSLAWSKI/ANDRIA LOUTCH

Carrie Wenslawski, Management Analyst for the City of Benicia, and Andria Loutch, consultant from Camp Dresser & McKee, Inc., gave a presentation on the draft 2010 Urban Water Management Plan (UWMP). The UWMP serves as a long-range planning document and demonstrates that the City has a sufficient water supply. During the presentation, a Public Input Form was distributed and those in attendance were asked to rank the optional

water conservation measures provided from the highest to lowest priorities. Forms are due back by April 1, 2011.

VI. AGENDA ITEMS

A. NEW AGREEMENT WITH ALLIED WASTE FOR THE COLLECTION, PROCESSING AND DISPOSAL OF SOLID WASTE, INCLUDING YARD WASTE AND RECYCLABLES, AND FOR STREET SWEEPING

Recommendation: Review the information contained in the staff report and provide guidance, suggestions and comments on this matter based on the relevant Benicia Climate Action Plan Strategies identified below and contained in the adopted Benicia Climate Action Plan.

The Sustainability Commission provided input during the negotiations with Allied Waste Systems, Inc. (Allied) for the collection, transfer, transportation and disposal of solid waste, recyclables and other related services. The City Council approved a new franchise agreement with Allied effective July 1, 2011. The new agreement has many features that will help implement the City's General Plan, Strategic Plan and Climate Action Plan.

Heather McLaughlin, City Attorney, expressed optimism about the new contract the City is entering into with Allied Waste and believes that it will help the City achieve its sustainability goals. One of the positive new changes is that commercial customers will now be able to recycle. Susan Hurl, of Allied Waste, was in the audience and she invited the Commissioners to come see the landfill off of Bailey Road in Pittsburg.

B. UPDATE AND MAINTAIN SUSTAINABLE DEVELOPMENT WEBSITE

Recommendation: Review the information contained in the staff report and 1) request authorization from the City Council to enter into an agreement with Plumblin Studios Inc. to help implement Climate Action Plan Strategy EO-1.1 by re-designing the City's sustainability website and 2) establish a working group by designating two Commissioners to collaborate with staff and the consultant to complete the project.

To accomplish CAP Strategy EO-1.1 that support Objective EO-1 of increasing public awareness and education about climate change, staff recommends approval of Work Group 1's recommendation to enter into an agreement not to exceed \$14,000 with Plumblin Inc. of Napa to redesign Benicia's sustainable development website and \$3,000 for approximately five years of hosting services for a total of \$17,000.

Four proposals were received from website designers to develop the Sustainability Development website. Vice Chair Beutel and Doug Vu conducted follow-up interviews with the applicants and the selection committee recommended that Plumblin Studios be awarded the contract in the amount of \$17,000. The suggestion was made that a commissioner attend the City Council meeting on April 19, 2011 to answer any questions Council may have about the consultant that was selected. Vice-Chair Beutel agreed to attend on the Commission's behalf.

On motion of Vice Chair Beutel, seconded by Commissioner Tringali, the funding recommendation of \$17,000 with Plumblin Studios to design, develop and host the Sustainability website was approved for City Council consideration at a future date.

C. EDUCATIONAL WORKSHOPS

Recommendation: Review the information contained in the staff report and 1) consider the proposed educational workshops provided by Solano Community College and Dominican University to help implement Climate Action Plan Strategy EO-1.3 and, 2) consider authorization from the City Council to enter into an agreement with Dominican University to provide the Advanced and Sustainable Economy workshops.

To accomplish CAP Strategy EO-1.3 that supports Objective EO-1 of increasing public awareness and education about climate change, staff recommends consideration of Work Group 1's proposal to partner with Solano Community College and Dominican University to offer free workshops about sustainability, the Climate Action Plan's eight subject areas and building a sustainable economy. An agreement not to exceed \$24,000 with Dominican University and \$3,000 in publicity costs for a total of \$27,000 is recommended by Work Group 1 in order to offer the advanced/sustainable economy workshops and promote them, respectively.

Vice Chair Beutel gave a presentation about the City's commitment to provide sustainability education and outreach, then proposed the City enter into an agreement with Dominican University of California to develop a series of advanced sustainability lectures and workshops to be offered to the public. The introductory level workshops would be developed and provided by Solano Community College. The name of the workshops is "Stewards of our Children's Future: 2011.... For Ecologic and Economic Health & Community Resilience" and the first introductory workshop is scheduled to commence on April 12, 2011.

Lauralee Barbaria of Dominican University then gave a brief overview of the University and its Green MBA program. She clarified that the courses to be developed and offered to Benicia will be similar to those offered to university students, but geared more towards the community and Benicia's economy. The cost of the agreement with Dominican University to develop and offer these courses would be \$24,000. Originally, an additional \$3,000 was proposed for publicity of the lecture series, however, that amount was amended to \$5,000, for a total commitment of \$29,000.

On motion of Vice Chair Beutel, seconded by Commissioner Fiscalini, the funding recommendation of \$29,000 was unanimously approved for consideration by the City Council at a future date.

D. EARTH DAY 2011 EVENT

Recommendation: Request authorization from the City Council to allocate no more than \$3,000 in funds to celebrate the Earth Day 2011 event.

To accomplish CAP Strategy EO-1.3 that supports Objective EO-1 of increasing public awareness and education about climate change, staff recommends approval of the expenditure in funds not to exceed \$3,000 from the Valero/Good Neighbor Steering Committee Agreement to celebrate the Earth Day 2011 event.

Doug Vu explained that the City is hosting another Earth Day event this year on April 21, 2011 at the Veteran's Memorial Hall. The event will be smaller than years past and will not have a Farmers Market, although there will be booths, displays, contests for children, and door prizes.

On motion of Commissioner Lamoreux, seconded by Chair Kerridge, the funding recommendation of \$3,000 was unanimously approved for consideration by the City Council on April 5, 2011.

VII. COMMUNICATIONS FROM STAFF

A. CHANGE A LIGHT AND PLUMBING FIXTURE UPGRADES PROGRAM

Doug Vu reported that at the March 15, 2011 City Council meeting the project and the associated funding of \$10,000 was approved. Staff will now work to get this project implemented pursuant to recommendations made by the Commission.

B. GREEN BUILDING ORDINANCE

Doug Vu reported that on December 7, 2010 City Council adopted the Green Building Ordinance. One of the recommendations made by Council was that the Commission conduct an out-reach program with the construction community regarding the proposed changes to the Building Code. The Commissioners asked both Harvey Higgs and Melissa Morton for their recommendations on the best way to roll out the additional measures. The recommendation was made that the Commission consider conveying this information via post cards, the website and by posting the information in the Benicia Herald. The Commissioners would like to give people two weeks to respond on the additional measures and then a report would be presented at the next Sustainability Commission meeting. It was decided this issue would be included as an agenda item at the next meeting.

C. SMALL CITIES CLIMATE ACTION PARTNERSHIP

Strategic Energy Innovations contacted Doug Vu regarding a program entitled Small Cities Climate Action Partnership: A PG&E Innovator Pilot. They are looking for small cities to participate as partner cities in a PG&E funded program that would provide support for small local governments to implement energy management solutions and provide outreach to residents regarding energy efficiency programs. This new pilot project, if approved, would supplement the work Ennovationz is already doing for the City.

Staff will keep the Commission informed on the status of the program after PG&E considers it for funding. The Commissioners asked further questions for clarification on the program.

VIII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Tringali will give a full update at the next Sustainability meeting. She did share that all four elementary schools are planning to participate in next year's science fair.

Commissioner Fiscalini pointed out that the City of Benicia will be sponsoring a water wise landscaping workshop with the City of Vallejo. The workshops will be in Benicia at the Presbyterian Church on May 4th, 11th and 18th.

Vice Chair Beutel thanked the City and Doug for allowing her to attend the Clean Air Healthy Cities Conference and the ICLEI workshop. She suggested the Commission invite someone from Marin County to present at

a future meeting regarding producing our own renewable energy in Benicia.

Chair Kerridge asked for interested Commissioners to volunteer to collaborate on the Sustainability website. Vice Chair Beutel and Commissioner Fiscalini volunteered. She also reminded everyone that April 16th is California Native Plant Society Earth Day at the State Park.

Chair Kerridge announced that she planned to attend the Strategic Planning Meeting at 6:00 on March 22 and invited the other Commissioners to attend.

Chair Kerridge and Commissioner Lamoreux also attended the first bicycle rack meeting and the consensus was to move the bike racks that were recently installed to the city parks so they don't have to be returned. There is another meeting scheduled for April 4, 2011.

X. ADJOURNMENT

Chair Kerridge adjourned the meeting at 9:55p.m.

Solano Community College – Introductory Offerings:

April 12 Tuesday	7-9PM	Local, Regional, National, Global Sustainability: Multiple Faculty What does Sustainability really mean? This term is used in many different ways and its meaning varies depending on context and culture. We will discuss this concept and its social, political, economic and environmental implications.	Dona Benicia Room, Benicia Public Library 150 E. L St
April 26 Tuesday	7-9PM	Understanding Climate Change: An Overview, Dr Betsy Julian, Dean, Math and Sciences, SCC: We will examine how greenhouse gases are warming the Earth's atmosphere and explore some of the possible consequences of this change in global temperature. Alterations in precipitation, wind, and temperature patterns, as well as changes in sea level will be discussed.	Heritage Presbyterian Church, 1400 E 2 nd St. Benicia
May 10 Tuesday	7-9PM	Climate Action Plan and Benicia, Paul Fair, SCC? *An overview of Climate Action Planning; What greenhouse gases (GHG) are measured; The Emission Reduction Focus Areas and the objectives and strategies to reduce GHG.	Dona Benicia Room, Benicia Public Library 150 E. L St
May 24 Tuesday	7-9PM	Energy, Water and Waste Conservation, Pam Muick, the Environmental Science instructor at SCC: Description TBD.	Heritage Presbyterian Church, 1400 E 2 nd St. Benicia
June 7 Tuesday	7-9PM	Where are the Green Jobs? Paul Fair, SCC Overview of the current opportunities that exist across a wide range of industries and the expected future or growth of the various careers. In addition, we will discuss the educational, and experiential requirements of the differing career fields along with the job responsibilities that are expected. The final major topic will be to investigate the educational opportunities that exist for educating and training our future Sustainable or Green professionals for participation in a rapidly evolving and transitioning "Green" economy	Heritage Presbyterian Church, 1400 E 2 nd St. Benicia

Advanced Lecture workshop series:

Dominican University of California: *Finalization of titles and lecture-workshop descriptions will occur if approved

I. The Benicia Sustainable Economy Series

The Benicia Sustainable Economy Workshop Series will be targeted toward leaders in Benicia's Commercial/Industrial sectors. The business case for sustainability will be highlighted as well as the interdependencies needed for success. Best practices, metrics, policy impacts and advocacy will be addressed. Workshop materials will integrate the stewardship of financial, human and natural capital with an emphasis on systemic approaches to decision-making and understanding complexity throughout all sessions. The objective of the series is to present the concepts, tools, case studies and implementation methodologies to give participants a platform for further action.

1. Principles of Sustainable Business

This workshop provides an overview and comparative analysis of the major initiatives at the intersection of business development and environmental and social responsibility. For any human activity to be sustainable, it must first be economically viable. In this course, we will explore and better understand:

- The economic, social and environmental sustainability challenges facing today's managers
- Methodologies to help enterprises and conduct integrated sustainability audits
- The business case for long-term shareholder value and stewardship of environmental, social and economic capital
- Risk assessments and adaptive responses

2. Sustainable Operations Management

Operations Management is the systematic design, direction and control of processes that create goods and services. This workshop is focused on the overlay of efficiency and sustainability objectives within an organization's operations. Materials include concepts and analytic methods used to continually increase the value offered to customers by increasing efficiencies and reducing waste:

- Language, concepts and insights of problems and issues confronting ops managers
- Competitive advantage through operations
- Examples of methods and metrics in the design and management of an organization's operations
 - Process Mapping
 - Life Cycle Assessment

3. Metrics, Policy and Advocacy

The ability of ecosystems to process the waste streams we produce or regenerate the resources humans consume is falling behind. We are burning through the natural capital that produces ecosystem services while we burn out the human capital that produces goods and services for human consumption. This course will explore:

- Quantitative tools to measure organizational performance in order to achieve economic and environmental objectives.
- Triple bottom line accounting
- Shift in orientation --short-term financial gain to long-term stakeholder health
- Impacts of policy on organizational performance in all three capital accounts
- Methods to drive change from within and outside organizations

Marketing Tactics and Strategies

This workshop will focus on the principles, vocabulary and competitive challenges of the changing market structures. Tools to manage and mitigate risk in the for-profit and non-profit environment will highlight:

- The “green” marketplace, the eco consumer, and impact of current events, global trends and sustainable enterprises
- Marketing research to support business decision-making and sustainability
- Social and green marketing tools
- Green-washing and ethics

Business, Government and Civil Society

This workshop will provide participants with a broad perspective of the impacts of Business, Government and Civil Society at global and local levels. Materials will provide participants opportunities to investigate their own assumptions, and develop skills to leverage the synergies and address the conflicts between business, government and civil society, including:

- Business value of sustainability and social justice
- Climate mitigation, and climate adaptation
- Stakeholder relationships and engagement
- Systems thinking methodologies and toolkit
- Funding resources

Culture, Values & Ethics

In our interdependent world the social impacts of enterprises/organizations are beneficial to people, detrimental to people and sometimes both. Leaders are

challenged to make decisions to resolve situations between their own culture and values, and the ethics and values of their extended global organizations and marketplaces. This course will describe the competencies and tools necessary to address these issues and to lead the evolution of businesses, government agencies and civil society organizations including:

- Embracing cultural and organizational diversity
- Value-based leadership and decision making in sustainable organizations
- Cultural intelligence and change management
- Rights of future generations
- Shareholder value and stewardship

2. Climate Action Series: Exploring Benicia's Climate Action Plan Sectors:

1. Emissions: generation and reduction: An in depth Climate Action Plan overview. Sources of Greenhouse Gas (GHG) generation within Benicia will be reviewed along with the strategies and objectives to reduce emissions.

2. Energy: Supply and Demand, Renewables: The use of fossil fuels, including coal, oil, and gas, for energy production contributes significantly to greenhouse gas emissions. In Benicia, these traditional energy sources represent 51 percent of the City Government's total emissions. This lecture workshop will look deeply into energy sources and production and the avenues available for mitigating and reducing GHG, especially the roles of renewable energy sources relevant to Benicia.

3. Transportation Realities and Considerations: Transportation comprises nearly one-third of total U.S. emissions and close to 40 percent of California emissions (U.S. EPA, 2008). In Benicia, it is the second largest contributor of greenhouse gas emissions, representing a little over four percent of the community's total emissions. This lecture-workshop explores land use policies and alternative modes of transit that fit the viability of Benicia

4. Building Performance: Building related greenhouse gas emissions are largely attributed to indoor heating, ventilation and air conditioning (HVAC) as well as the efficiency of appliances and other mechanical systems. This lecture-workshop delves into Green Building, appropriate recycling of demolition materials, Efficient Energy Use, and other related topics.

5. Industrial and Commercial Sustainability: In 2000, the Commercial and Industrial sector was the largest contributor to the City of Benicia's total

greenhouse gas emissions. The Emissions Inventory indicates that approximately 95 percent of the Community's total emissions are related to commercial and industrial uses; 20% of these emissions are attributed to the Valero Refinery and Port of Benicia. This lecture-workshop explores the focus areas that identifies strategies to reduce local greenhouse gas emissions through industrial and commercial building efficiency, business operations, and large emitters.

6. Water and Wastewater: New technologies and concepts: Nearly a quarter of the City Government's greenhouse gas emissions result from the electricity required to pump, treat, deliver, collect, and clean water. After wastewater is treated, the leftover 'sludge' emits greenhouse gases. The emissions related to water and wastewater can be reduced by: 1) reducing demand, 2) increasing efficiency in water conveyance, and 3) improving treatment plant efficiency. This lecture-workshop explores the CAP strategies and examines the new technologies and concepts in water and wastewater management.

7. Waste Management: In 2000, the City of Benicia and the community generated approximately 60,000 tons of solid waste. Sixty percent of the solid waste was diverted from the local landfill through recycling and composting programs. The remaining solid waste was transported to a landfill resulting in 23,650 tons of carbon dioxide equivalent (CO₂E). This lecture-workshop follows the trail of solid waste from Benicia to its disposition and will discuss reduction and landfill considerations.

8. Land Use (Parks and Open Space); Parks and Community Services department produce GHG via vehicles, fossil fuel powered maintenance equipment, and treated irrigation water. This lecture-workshop will explore the Climate Action Plan strategies and will incorporate the efforts to increase the number of trees within the City.



February 27, 2011

Dear Constance,

Thank you for inviting Sarah and me to the meeting on Thursday to discuss how the Environmental Finance Center and Dominican University of California can support your education and outreach goals to continue moving Benicia towards a more sustainable future.

Please find attached the proposed budget and a brief overview below of the Advanced Workshops and the Benicia Sustainable Economy Series. We understand time is of the essence.

Environmental Finance Center Region 9, Dominican University of California

The Environmental Finance Center at Dominican University (EFC9) is a university-based center working for sustainable communities through cleaner business, by promoting pollution prevention, source reduction and energy conservation. Some of our major initiatives include Climate Change Mitigation and Adaptation, Developing Tribal Green Economies and Promoting Non-toxic Personal Care Products.

Since 1994, when we established an environmental technology incubator in Alameda, EFC9 has worked with numerous industries from the very small (dry cleaners, printers, hair salons) to the very large (chemical, electronics and plastics) to help them green their manufacturing processes. As the Western Regional Green Business Coordinator we helped launch Green Business Certification Programs in San Francisco, Sacramento, San Diego, Santa Barbara, Los Angeles, and the states of Arizona and Hawaii. EFC9 works closely with the Dominican University of California GreenMBA program to advance principles of sustainability in organizations of all types emphasizing a systemic approach.

Advanced Workshops -- City workers, council, commissions (5-15 attendees)

The two hour Advanced Workshops will build upon the work done in the Benicia Climate Action Plan (CAP) in the eight areas of focus:

1. Emissions Reductions
2. Transportation and Land Use
3. Industrial and Commercial
4. Solid Waste
5. Energy
6. Buildings
7. Water and Wastewater
8. Parks and Open Space

It is assumed that the target audience will be well acquainted with the specific CAP areas of focus to limit the repetition of concepts. Each 2 hour workshop will include 45 – 60 minutes of discussion and materials that will be tailored to augment Benicia’s CAP strategies. Relevant examples of policy, possible funding sources, business practices, implementation ideas and actions of other communities will be presented followed by a facilitated work session with actionable outcomes.

The Benicia Sustainable Economy Series -- Benicia commercial/industrial members (15 – 30)

The Benicia Sustainable Economy Series will be targeted toward leaders in Benicia’s Commercial/Industrial sectors. The purpose of this series is to provide a systemic view of the role of sustainability in business, government and non-profits. The business case for sustainability will be highlighted as well as the interdependencies needed for success. Best practices, metrics, policy impacts and advocacy will be addressed.

1. Principles of Sustainable Business
2. Sustainable Operations Management
3. Metrics and Policy
4. Marketing Tactics and Strategies
5. Economics of Sustainability
6. Advocacy, Culture and Values

These workshop will be 3 – 6 hours in length depending upon the audience and the materials covered. Ideally participants will attend the whole series to get the best value out of the integrated materials.

Budget

This budget reflects the proposed 14 workshops and class materials. We will draw upon expertise from Dominican’s Environmental Finance Center, the GreenMBA faculty and alumni and external subject matter experts to present and facilitate the workshops. Our goal is to provide the most up to date relevant information from the sustainability field. We do expect the preparation time to tailor the materials to Benicia to drop substantially for series repeats. Costs for additional sessions will drop 40% to match our desire to keep the educational material flowing towards behavior changes for the community going forward.

We look forward to a continuing partnership.

Warm Regards,

Lauralee Barbaria

Associate Director EFC9
School of Business and Leadership
Dominican University of California
50 Acacia Avenue
San Rafael, California, 94901
5108628447

**Proposed Budget and Task Hour Estimates
Benicia Project**

Begin	End	Task	Project Time Estimates											EFC9 Total \$	Total Time	Total Cost	Fringe @ 12%/student 29%/alumni, 29% indirects EFC9 PM 10%	Total	2nd set of classes reduced - 40%	
			EFC9 Administrative	Project Mgr EFC9 @ 50/hr	Student#1 @20/hr	Student#2 @20/hr	Student#3 @20/hr	Alumni #1 @30/hr	Alumni #2 @30/hr	Alumni #3 @30/hr	Speaker @500 per session	Student Total \$	Alumni Total \$							
2 months after approval Education																				
I. Intro Workshops (2hrs) General Audience, Varied ages (30 people) Fri. Evening Provided by the Junior College																				
ATEGORY 2 II. Advanced Workshops (CAP Specific) (2 hrs) City workers, council, (May be connected with workgroup sessions) Weekday Evening																				
xx/xx/201	xx/xx/201	1. Emissions Reductions	3	6	6			12				120	360	450	27	\$ 930	\$249	\$93	\$1,272	\$763
xx/xx/201	xx/xx/201	2. Energy	3	6		6				12		120	360	450	27	\$ 930	\$249	\$93	\$1,272	
xx/xx/201	xx/xx/201	3. Transportation and Land Use	3	6			6			12		120	360	450	27	\$ 930	\$249	\$93	\$1,272	
xx/xx/201	xx/xx/201	5. Buildings	3	6	6			12				120	360	450	27	\$ 930	\$249	\$93	\$1,272	
xx/xx/201	xx/xx/201	5. Industrial and Commercial	3	6		6				12		120	360	450	27	\$ 930	\$249	\$93	\$1,272	
xx/xx/201	xx/xx/201	6. Water and Wastewater	3	6			6			12		120	360	450	27	\$ 930	\$249	\$93	\$1,272	
xx/xx/201	xx/xx/201	7. Solid Waste	3	6	6			12				120	360	450	27	\$ 930	\$249	\$93	\$1,272	
xx/xx/201	xx/xx/201	8. Parks and Open Space	3	6		6				12		120	360	450	27	\$ 930	\$249	\$93	\$1,272	
ATEGORY 3 III. Benicia Sustainable Economy (Benicia Commercial/Industrial members) 15 - 30 (Timing dependent upon audience and subject material 3 - 6 hours).																				
xx/xx/201	xx/xx/201	1. Principles of Sustainable Business	7	12	2	0	0	0	6	0	500	40	180	950	27	\$ 1,670	\$333	\$167	\$2,170	\$1,302
xx/xx/201	xx/xx/201	2. Sustainable Operations Management	7	12	2	0	0	0	6	0	500	40	180	950	27	\$ 1,670	\$333	\$167	\$2,170	
xx/xx/201	xx/xx/201	3. Metrics and Policy	7	12	2	0	0	0	6	0	500	40	180	950	27	\$ 1,670	\$333	\$167	\$2,170	
xx/xx/201	xx/xx/201	4. Marketing Tactics and Strategies	7	12	2	0	0	0	6	0	500	40	180	950	27	\$ 1,670	\$333	\$167	\$2,170	
xx/xx/201	xx/xx/201	5. Economics of Sustainability	7	12	2	0	0	0	6	0	500	40	180	950	27	\$ 1,670	\$333	\$167	\$2,170	
xx/xx/201	xx/xx/201	6. Culture, values, and Advocacy	7	12	2	0	0	0	6	0	500	40	180	950	27	\$ 1,670	\$333	\$167	\$2,170	
Course Material for Category II and III																				
Subtotal	Education		66	120	30	18	12	36	72	24	3000	1200	3960	9300	378	17460	3989.4	1746	\$24,000	

Summary	# classes	Cost	Total
Education Category 1 @	3 Taught by the JC		\$0
Education Category 2@	8	\$1,272	\$10,178
Education Category 3@	6	\$2,170	\$13,017
Class Materials			\$805
Total			\$24,000

??

AGENDA ITEM
CITY COUNCIL MEETING DATE - APRIL 19, 2011
ACTION ITEMS

DATE : April 1, 2011

TO : City Council

FROM : Public Works and Community Development Director

SUBJECT : **AWARD OF CONSULTANT CONTRACT FOR THE UPDATE OF THE SUSTAINABLE DEVELOPMENT WEBSITE**

RECOMMENDATION:

Receive a presentation from Community Sustainability Commission Vice-Chair Beutel and consider the Commission's recommendation to adopt a resolution approving a contract for services with Plumblin Studios for a not-to-exceed cost of \$14,000 and authorizing the City Manager to sign the contract on behalf of the City.

EXECUTIVE SUMMARY:

City staff does not have the expertise to perform this work in-house. Plumblin Studios has the expertise necessary for this specialized project. The sustainable development website will increase public awareness and education about sustainability by providing tools and resources about climate change science, green building technology, food supply, waste reductions, energy efficiency, and actions to reduce water and energy consumption consistent with the objectives and strategies identified in the Climate Action Plan.

BUDGET INFORMATION:

The not-to-exceed cost of the Sustainable Development Website Project is \$14,000. Authorization of appropriation from the Valero/Good Neighbor Steering Committee Settlement Agreement account, in which \$664,204 is available, is requested to cover these costs. These funds are not part of the General Fund.

GENERAL PLAN:

The overarching Goal of the General Plan is Sustainability. CAP Strategy EO-1.1 addresses the following General Plan goal:

- Goal 3.27: Improve energy efficiency.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
 - Strategy #1: Reduce greenhouse gas emissions and energy consumption
 - Strategy #3: Pursue and adopt sustainable practices

CLIMATE ACTION PLAN:

Relevant Climate Action Plan Objectives and Strategies:

- Objective EO-1: Increase Public Awareness and Education About Climate Change
 - Strategy EO-1.1: Update and Maintain Sustainable Development Website

BACKGROUND:

At its November 15, 2010 regular meeting, the Community Sustainability Commission (CSC) identified CAP Strategy EO-1.1 – Update and Maintain Sustainable Development Website as its top priority for implementation in 2011. On December 7, 2010, the City Council received a presentation from the Commission and affirmed the priorities for 2011, which included this strategy. On January 7, 2011, staff released a Request for Proposals to nine consultant teams for the update and development of BeniciaClimateActionPlan.com based on prior sustainability website experience or local presence in Benicia. An effort was made to notify local vendors; however, apparently several businesses were missed.

The update project includes information, tools and resources about climate change, green building, waste reduction, energy efficiency, and actions to reduce water and energy consumption. Site resources to be incorporated include links to residential and commercial rebates, resource reduction incentives, and other funding sources that would promote sustainable practices. Another goal of the site is to serve as an online community forum.

SUMMARY:

The RFP specified the following criteria to evaluate the proposals received:

1. Ability of the Proposer to Design an Approach and Work Plan to Meet the Project Requirements;
2. Ability of the Proposer to Carry Out and Manage the Proposed Project;
3. Current Workload of the Proposer;
4. The Proposer's Proximity to the Project;
5. Willingness to Comply with the Proposed Agreement Terms; and
6. Cost of Proposal.

To help determine the ability of the proposer to design an approach and work

plan to meet project requirements, the RFP required respondents to specify website elements such as appearance, content functionality, usability, and search engine optimization. The RFP review committee (which consisted of the four Commissioners who comprise the Commission's Education & Outreach work group and one staff person) also relied on project-specific criteria such as site architecture, ease of navigation, use of multimedia, browser compatibility and content presentation, and unanimously developed the following rankings:

Consultant	Location	Bid*
1. Plumblin Studios, Inc.	Napa, CA	\$11,000 - 12,000
2. EMC Creative	Walnut Creek, CA	\$16,000
3. WG Design Group & Hudson Business Networks, Inc.	Benicia, CA & Suisun City, CA	\$6,160
4. Kari Birdseye & Colleen Dillon-Castillo	Benicia, CA	\$10,000
5. Norma Fox (not considered; not submitted by deadline date)	Benicia, CA	\$5,000

*Does not include website maintenance or hosting fees

The following consultants also received RFPs but did not submit proposals:

- ❑ Imulus Design + Interactive Boulder, CO
- ❑ Daya Ceglia Cotati
- ❑ Vision Internet Santa Monica
- ❑ MS Jones Guerneville

Follow-up interviews were conducted in late February with the two top-ranked respondents to obtain clarification about project timelines and deliverables, technical information about content management/database systems software and web hosting servers, possibilities for publicity, and options for ongoing site updates and maintenance. (These details, including content management systems software, are flexible and will be determined during project discovery.)

The review committee unanimously recommended Plumblin based on the company's proven ability to deliver sites that have a strong visual presence, intuitive navigation, clear labeling and organization, and compatibility with a variety of browsers and platforms. The recommended authorization amount assumes the maximum proposed contract cost of \$12,000 and a \$2,000 contingency for unanticipated additional services. Additional fees for hosting the website are not part of this contract and anticipated to be approximately \$3,000 for five years of hosting and site maintenance. The website re-design is expected to take three-to-four months complete.

Attachments:

- ❑ Resolution
- ❑ March 21, 2011 Community Sustainability Commission Draft meeting minutes
- ❑ Request for Proposals
- ❑ Consultant Proposals

RESOLUTION NO. 11-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AWARDING A CONSULTANT AGREEMENT FOR PROFESSIONAL
SERVICES FOR THE SUSTAINABLE DEVELOPMENT WEBSITE PROJECT
TO PLUMBLINE STUDIOS, INC. FOR A NOT-TO-EXCEED COST OF \$14,000
AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON
BEHALF OF THE CITY**

WHEREAS, the City Council adopted Benicia's Climate Action Plan on September 15, 2009; and

WHEREAS, Strategy EO-1.1 of the Climate Action Plan recommended the development of an interactive and informational website that could be regularly maintained to include tools and resources about climate change science, food supply, green building technology, waste reductions, energy efficiency, and actions to reduce water and energy consumption; and

WHEREAS, at their regular meeting on November 15, 2010, the Community Sustainability Commission formally recognized CAP Strategy EO-1.1 as its top priority for implementation in 2011; and

WHEREAS, at their regular meeting on December 7, 2010, the City Council formally affirmed the implementation of the Community Sustainability Commission's priorities for 2011, which included CAP Strategy EO-1.1; and

WHEREAS, a Request for Proposals was released on January 7, 2011; and

WHEREAS, four proposals were received and Plumblime Studios, Inc.'s proposal was selected; and

WHEREAS, Plumblime Studios Inc. will re-design the City of Benicia's sustainable development website; and

WHEREAS, Plumblime Studios is the most capable in all material aspects to perform full contract requirements and is highly qualified to perform the design services for the Sustainable Development Website Project; and

WHEREAS, at their regular meeting on March 21, 2011 the Community Sustainability Commission considered the Education & Outreach Work Group's proposal and unanimously recommended City Council authorization to approve funding in the amount of \$14,000 with Plumblime Studios, Inc. of Napa, CA to implement the Sustainable Development Website Project.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby awards a consultant agreement for professional services for the Sustainable Development Website Project to Plumblin Studios, Inc. for a not-to-exceed cost of \$14,000 and authorizes the City Manager to sign the contract on behalf of the City, subject to approval by the City Attorney.

BE IT FURTHER RESOLVED THAT funds sufficient to cover the contract costs of \$14,000 will be transferred from the Valero/Good Neighbor Steering Committee Settlement Agreement account.

* * * *

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council on the 19th day of April, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



BENICIA COMMUNITY SUSTAINABILITY COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING MINUTES

Monday, March 21, 2011

7:00 P.M.

I. OPENING OF MEETING

- A. **Pledge of Allegiance**
- B. **Roll Call of Commissioners**

Present: Commissioners Beutel, Fiscalini, Lamoreux, Tringali and Chair
Kerridge

Absent: Commissioner Silva

Present: Ex-Officio Members Bardet, and Scott

Absent: Ex-Officio Members Switzer and Lopez

Staff Present: Heather McLaughlin, City Attorney
Melissa Morton, Land Use Manager
Harvey Higgs, Building Official
Doug Vu, Associate Planner
Stacy Hatfield, Sr. Administrative Clerk, Recording Secretary

- C. **Reference to Fundamental Rights of Public** - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance

II. ADOPTION OF AGENDA

On motion of Vice Chair Beutel, seconded by Commissioner Fiscalini, the Agenda was approved by a majority vote.

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

None

IV. CONSENT CALENDAR

On motion of Commissioner Lamoreux, seconded by Vice Chair Beutel, the Consent Calendar was approved as amended by a majority vote.

- A.** Approval of Minutes of the January 24, 2011 Regular Meeting

V. PRESENTATIONS

A. OPEN GOVERNMENT TRAINING – HEATHER MCLAUGHLIN

City Attorney, Heather McLaughlin, provided Open Government training to those in attendance. This training included review of the Brown Act, the City's Code of Conduct and other related issues. The Commissioners asked questions for further clarification.

B. VALERO CONDENSATE RECOVERY PROJECT I – CHRIS HOWE/RICK WALKER

Chris Howe of Valero gave a presentation on Phase 1 of the Benicia Refinery's Steam Condensate Recovery Project. Chris explained that the project is sustainable by conserving water and energy and improving safety and equipment reliability.

The Commissioners asked further questions and expressed an interest in taking a tour of the refinery as well.

C. URBAN WATER MANAGEMENT PLAN UPDATE – CARRIE WENSLAWSKI/ANDRIA LOUTCH

Carrie Wenslawski, Management Analyst for the City of Benicia, and Andria Loutch, consultant from Camp Dresser & McKee, Inc., gave a presentation on the draft 2010 Urban Water Management Plan (UWMP). The UWMP serves as a long-range planning document and demonstrates that the City has a sufficient water supply. During the presentation, a Public Input Form was distributed and those in attendance were asked to rank the optional

water conservation measures provided from the highest to lowest priorities. Forms are due back by April 1, 2011.

VI. AGENDA ITEMS

A. NEW AGREEMENT WITH ALLIED WASTE FOR THE COLLECTION, PROCESSING AND DISPOSAL OF SOLID WASTE, INCLUDING YARD WASTE AND RECYCLABLES, AND FOR STREET SWEEPING

Recommendation: Review the information contained in the staff report and provide guidance, suggestions and comments on this matter based on the relevant Benicia Climate Action Plan Strategies identified below and contained in the adopted Benicia Climate Action Plan.

The Sustainability Commission provided input during the negotiations with Allied Waste Systems, Inc. (Allied) for the collection, transfer, transportation and disposal of solid waste, recyclables and other related services. The City Council approved a new franchise agreement with Allied effective July 1, 2011. The new agreement has many features that will help implement the City's General Plan, Strategic Plan and Climate Action Plan.

Heather McLaughlin, City Attorney, expressed optimism about the new contract the City is entering into with Allied Waste and believes that it will help the City achieve its sustainability goals. One of the positive new changes is that commercial customers will now be able to recycle. Susan Hurl, of Allied Waste, was in the audience and she invited the Commissioners to come see the landfill off of Bailey Road in Pittsburg.

B. UPDATE AND MAINTAIN SUSTAINABLE DEVELOPMENT WEBSITE

Recommendation: Review the information contained in the staff report and 1) request authorization from the City Council to enter into an agreement with Plumblin Studios Inc. to help implement Climate Action Plan Strategy EO-1.1 by re-designing the City's sustainability website and 2) establish a working group by designating two Commissioners to collaborate with staff and the consultant to complete the project.

To accomplish CAP Strategy EO-1.1 that support Objective EO-1 of increasing public awareness and education about climate change, staff recommends approval of Work Group 1's recommendation to enter into an agreement not to exceed \$14,000 with Plumblin Inc. of Napa to redesign Benicia's sustainable development website and \$3,000 for approximately five years of hosting services for a total of \$17,000.

Four proposals were received from website designers to develop the Sustainability Development website. Vice Chair Beutel and Doug Vu conducted follow-up interviews with the applicants and the selection committee recommended that Plumblin Studios be awarded the contract in the amount of \$17,000. The suggestion was made that a commissioner attend the City Council meeting on April 19, 2011 to answer any questions Council may have about the consultant that was selected. Vice-Chair Beutel agreed to attend on the Commission's behalf.

On motion of Vice Chair Beutel, seconded by Commissioner Tringali, the funding recommendation of \$17,000 with Plumblin Studios to design, develop and host the Sustainability website was approved for City Council consideration at a future date.

C. EDUCATIONAL WORKSHOPS

Recommendation: Review the information contained in the staff report and 1) consider the proposed educational workshops provided by Solano Community College and Dominican University to help implement Climate Action Plan Strategy EO-1.3 and, 2) consider authorization from the City Council to enter into an agreement with Dominican University to provide the Advanced and Sustainable Economy workshops.

To accomplish CAP Strategy EO-1.3 that supports Objective EO-1 of increasing public awareness and education about climate change, staff recommends consideration of Work Group 1's proposal to partner with Solano Community College and Dominican University to offer free workshops about sustainability, the Climate Action Plan's eight subject areas and building a sustainable economy. An agreement not to exceed \$24,000 with Dominican University and \$3,000 in publicity costs for a total of \$27,000 is recommended by Work Group 1 in order to offer the advanced/sustainable economy workshops and promote them, respectively.

Vice Chair Beutel gave a presentation about the City's commitment to provide sustainability education and outreach, then proposed the City enter into an agreement with Dominican University of California to develop a series of advanced sustainability lectures and workshops to be offered to the public. The introductory level workshops would be developed and provided by Solano Community College. The name of the workshops is "Stewards of our Children's Future: 2011.... For Ecologic and Economic Health & Community Resilience" and the first introductory workshop is scheduled to commence on April 12, 2011.

Lauralee Barbaria of Dominican University then gave a brief overview of the University and its Green MBA program. She clarified that the courses to be developed and offered to Benicia will be similar to those offered to university students, but geared more towards the community and Benicia's economy. The cost of the agreement with Dominican University to develop and offer these courses would be \$24,000. Originally, an additional \$3,000 was proposed for publicity of the lecture series, however, that amount was amended to \$5,000, for a total commitment of \$29,000.

On motion of Vice Chair Beutel, seconded by Commissioner Fiscalini, the funding recommendation of \$29,000 was unanimously approved for consideration by the City Council at a future date.

D. EARTH DAY 2011 EVENT

Recommendation: Request authorization from the City Council to allocate no more than \$3,000 in funds to celebrate the Earth Day 2011 event.

To accomplish CAP Strategy EO-1.3 that supports Objective EO-1 of increasing public awareness and education about climate change, staff recommends approval of the expenditure in funds not to exceed \$3,000 from the Valero/Good Neighbor Steering Committee Agreement to celebrate the Earth Day 2011 event.

Doug Vu explained that the City is hosting another Earth Day event this year on April 21, 2011 at the Veteran's Memorial Hall. The event will be smaller than years past and will not have a Farmers Market, although there will be booths, displays, contests for children, and door prizes.

On motion of Commissioner Lamoreux, seconded by Chair Kerridge, the funding recommendation of \$3,000 was unanimously approved for consideration by the City Council on April 5, 2011.

VII. COMMUNICATIONS FROM STAFF

A. CHANGE A LIGHT AND PLUMBING FIXTURE UPGRADES PROGRAM

Doug Vu reported that at the March 15, 2011 City Council meeting the project and the associated funding of \$10,000 was approved. Staff will now work to get this project implemented pursuant to recommendations made by the Commission.

B. GREEN BUILDING ORDINANCE

Doug Vu reported that on December 7, 2010 City Council adopted the Green Building Ordinance. One of the recommendations made by Council was that the Commission conduct an out-reach program with the construction community regarding the proposed changes to the Building Code. The Commissioners asked both Harvey Higgs and Melissa Morton for their recommendations on the best way to roll out the additional measures. The recommendation was made that the Commission consider conveying this information via post cards, the website and by posting the information in the Benicia Herald. The Commissioners would like to give people two weeks to respond on the additional measures and then a report would be presented at the next Sustainability Commission meeting. It was decided this issue would be included as an agenda item at the next meeting.

C. SMALL CITIES CLIMATE ACTION PARTNERSHIP

Strategic Energy Innovations contacted Doug Vu regarding a program entitled Small Cities Climate Action Partnership: A PG&E Innovator Pilot. They are looking for small cities to participate as partner cities in a PG&E funded program that would provide support for small local governments to implement energy management solutions and provide outreach to residents regarding energy efficiency programs. This new pilot project, if approved, would supplement the work Ennovationz is already doing for the City.

Staff will keep the Commission informed on the status of the program after PG&E considers it for funding. The Commissioners asked further questions for clarification on the program.

VIII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Tringali will give a full update at the next Sustainability meeting. She did share that all four elementary schools are planning to participate in next year's science fair.

Commissioner Fiscalini pointed out that the City of Benicia will be sponsoring a water wise landscaping workshop with the City of Vallejo. The workshops will be in Benicia at the Presbyterian Church on May 4th, 11th and 18th.

Vice Chair Beutel thanked the City and Doug for allowing her to attend the Clean Air Healthy Cities Conference and the ICLEI workshop. She suggested the Commission invite someone from Marin County to present at

a future meeting regarding producing our own renewable energy in Benicia.

Chair Kerridge asked for interested Commissioners to volunteer to collaborate on the Sustainability website. Vice Chair Beutel and Commissioner Fiscalini volunteered. She also reminded everyone that April 16th is California Native Plant Society Earth Day at the State Park.

Chair Kerridge announced that she planned to attend the Strategic Planning Meeting at 6:00 on March 22 and invited the other Commissioners to attend.

Chair Kerridge and Commissioner Lamoreux also attended the first bicycle rack meeting and the consensus was to move the bike racks that were recently installed to the city parks so they don't have to be returned. There is another meeting scheduled for April 4, 2011.

X. ADJOURNMENT

Chair Kerridge adjourned the meeting at 9:55p.m.



THE CITY OF
BENICIA
CALIFORNIA

REQUEST FOR PROPOSAL

BENICIA SUSTAINABILITY AND CLIMATE ACTION PLAN WEBSITE PROJECT

January 7, 2011

Important Dates:

Proposal Due Date 5:00 pm Friday, February 4, 2011
Follow-Up Interviews..... February 9-10, 2011
Award of Agreement March 15, 2011
Agreement Start Date On or after March 16, 2011

Contact:

Doug Vu, Associate Planner
Community Development Department
City of Benicia
250 East L Street
Benicia, California 94510
dvu@ci.benicia.ca.us
Phone: (707) 746-4372
Fax: (707) 747-1637

I. INTRODUCTION

The City of Benicia (“City”) is requesting proposals from qualified individuals and firms (“Proposer”) to assist the City in re-developing its environmental sustainability and Climate Action Plan website <<http://www.BeniciaClimateActionPlan.com>>. The purpose is to inform Benicia residents about the City’s efforts to reduce greenhouse gas emissions through water conservation, energy efficiency and renewable energy projects, to teach residents about climate protection planning, and empower community members to take action.

Background

The City of Benicia is located in Solano County with a population of 28,000. The City’s 1999 General Plan and the FY 2009-2011 Strategic Plan have identified sustainable development and carbon reduction as a top priority. In 2009, the City adopted a Climate Action Plan (CAP), which provides objectives and strategies that will guide the development and implementation of actions that will cut Benicia’s greenhouse gas emissions (GHG) to 2005 levels by 2010 and reduce GHG emissions to 10 percent below 2000 levels by 2020. Also in 2009, the City formed a Community Sustainability Commission that is responsible for advising the City Council on the implementation of the Climate Action Plan and related measures.

Purpose of the Request

The City desires outside professional services to assist in the development of an effective website that will inform Benicia residents about the City’s efforts to reduce greenhouse gas emissions through water conservation, energy efficiency and renewable energy projects. The goal of the website is to also educate the local community about climate protection planning and encourage residents to take action that will promote sustainability, as identified by strategies in the Climate Action Plan.

II. SCOPE OF SERVICES

Welcoming new ideas and creative thinking, the City is interested in a website design that incorporates the following key elements:

- Appearance - The site must be visually appealing, uncluttered, polished and professional. The design should include the good use of color, text that is easily read, meaningful graphics, quality photography, and have simplicity. All attributes should be placed into cascading style sheets.
- Content - The consultant shall develop a Web 2.0 database software/content management environment that includes a landing page and framework for the website. The landing page shall incorporate a top-level menu that includes, but may not be limited to the following features: Calendar of Events, Community Sustainability Commission, Climate Action Plan Projects, Related Websites, Science & Education, Community Resources, Comments & Suggestions, and Administrator Log-In. Additional items of interest that may be incorporated within these

features include, but are not limited to: Carbon Calculator, Major Indicators, Push E-mail Notifications, and What Can I Do? The website content shall be provided and updated by the City, and third-party tools must be identified and approved by the City before they are integrated. The website shall not include e-commerce/marketplace and there are no expectations for video streaming. The Consultant shall provide to the City a photo album for uploading and a source code back-up on compact disc.

- Functionality - Every component of the site should work quickly and correctly, be cohesively organized, and be easy to navigate. Hyperlinks, contact forms, site search, event registrations, etc. should work as expected across the spectrum and not be broken or poorly constructed.
- Usability - The site must be easy to read, navigate, and understand. Some key usability elements include simplicity, consistent layout, fast-loading pages, minimal scroll, prominent and logical navigation, descriptive link text, and cross-platform/browser compatibility.
- Search Engine Optimization - Most written content within the site should be in HTML format, without the use of Flash, JavaScript or image-only objects for navigational items. The Consultant shall collaborate with City staff to implement Google and Bing searches through the creation of a meta-tag.

III. PROPOSAL FORMAT

All proposals shall include the following information:

Approach

A short discussion of, and graphic materials for the intended approach to the project that demonstrates the Proposer's understanding of the design elements and the Proposer's ability to address them.

Consultant Qualifications

Provide a brief description of the Proposer's qualifications indicating any relevant experience in working with local government agencies and/or non-profit organizations to design and develop websites that promote climate change, greenhouse gas reduction and sustainability.

Scope of Work

The Proposer shall submit a work plan that identifies each task to be completed, which shall include a presentation to a sub-committee of the Community Sustainability Commission for approval prior to launch. Tasks should also identify any measurable deliverables.

Project Schedule

Time is of the essence. Completion and launch of the website shall not exceed ten weeks from the date the agreement is fully executed.

Proposed Budget

Indicate the costs and hours for the total project on a task-by-task basis. Prices quoted must be binding for a minimum of the life of the project. The City has allocated approximately \$10,000 for the completion of this project and proposals should not exceed \$12,000.

References and Examples of Work

Provide at least two client references with phone numbers for relevant work.

IV. SELECTION PROCESS

Qualifications.

All proposals received by the due date will be evaluated by the City. Only information that is received in response to this RFP or any subsequent follow-up request will be evaluated. The City will judge the responses of each Proposer in several critical areas, which may include:

1. Ability of the Proposer to Design an Approach and Work Plan to Meet the Project Requirements;
2. Ability of the Proposer to Carry Out and Manage the Proposed Project;
3. Current Workload of the Proposer;
4. The Proposer’s Proximity to the Project;
5. Willingness to Comply with the Proposed Agreement Terms (a sample agreement is attached and proposals will be rated based on the exceptions taken to the proposed agreement); and
6. Cost of Proposal.

Proposed Selection and Project Schedule.

Proposal Due Date 5:00 p.m., Friday, February 4, 2011
 Follow-Up Interviews (If Needed) February 9-10, 2011
 Award of Agreement March 15, 2011
 Agreement Start Date..... On or after March 16, 2011

Award of Contract.

It is anticipated that any award of an agreement for services will be made by the Benicia City Council at their March 15, 2011 meeting.

V. PROPOSAL DUE DATE AND DELIVERY

Four sealed copies of the proposal, clearly marked with the project name, should be submitted no later than:

5:00 p.m., Friday February 4, 2011

to the address below. All copies received by that time will be date stamped and proposals will not be accepted after this time. Proposals should be mailed or hand carried to:

Doug Vu, Associate Planner
City of Benicia
250 East L Street
Benicia, CA 94510

PDF/scanned and e-mailed proposals will also be accepted and should be sent to dvu@ci.benicia.ca.us with telephone inquiries directed to (707) 746-4372.

VI. CONDITIONS OF REQUEST

General Conditions

The City reserves the right to cancel or reject all or a portion or portions of the request for proposals without notice. Further, the City makes no representations that any agreement will be awarded to any organization submitting a proposal. The City reserves the right to reject any and all proposals submitted in response to this request or any addenda thereto.

The City also reserves the right to reject any subconsultant or individual working on a consultant team and to replace the subconsultant or individual with a mutually acceptable replacement.

Any changes to the proposal requirements will be made by written addendum.

Liability of Costs and Responsibility

The City shall not be liable for any costs incurred in response to this request for proposals. All costs shall be borne by the person or organization responding to the request. The person or organization responding to the request shall hold the City harmless from any and all liability, claim or expense whatsoever incurred by or on behalf of that person or organization. All submitted material becomes the property of the City of Benicia.

The selected consultant will be required to assume responsibility for all services offered in the proposal whether or not they possess them within their organization. The selected lead consultant will be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract.

Validity

The Proposer agrees to be bound by its proposal for a period of ninety (90) days commencing January 6, 2011, during which time the City may request clarification or correction of the proposal for the purpose of evaluation. Amendments or clarifications

shall not affect the remainder of the proposal, but only the portion so amended or clarified.

Standard Agreement

A sample agreement has been provided as Appendix B for the Proposer’s review and comment. If a Proposer wishes to take exception to any of the terms and conditions contained in the consultant agreement, these should be identified specifically; otherwise, it will be assumed that the Proposer is willing to enter into the agreement as it is written. Failure to identify contractual issues of dispute can later be the basis for the City disqualifying a Proposer. Any exceptions to terms, conditions, or other requirements must be clearly stated. Otherwise, the City will consider that all items offered are in strict compliance with the RFP, and the successful Proposer will be responsible for compliance. The City will consider such exceptions as part of the evaluation process, which may constitute grounds for rejection of the proposal. The agreement will not be executed by the City without first being signed by the Proposer.

Permits and Licenses

Proposer, and all of Proposer’s subconsultants, at its and/or their sole expense, shall obtain and maintain during the term of any agreement, all appropriate permits, certificates and licenses including, but not limited to, a City Business License, which will be required in connection with the performance of services hereunder.

Oral and Written Explanations

The City will not be bound by oral explanations or instructions given at any time during the review process or after the award. Oral explanations given during the review process and after award become binding when confirmed in writing by an authorized City official. Written responses to question(s) asked by one Proposer will be provided to all proposers who received Requests for Proposals.

Proposer’s Representative

The person signing the proposal must be a legal representative of the firm authorized to bind the firm to an agreement in the event of the award.

Insurance

General liability, automobile, professional liability, and workers’ compensation insurance are required in the amount set forth in the attached sample agreement.

VII. AVAILABILITY OF DOCUMENTS

Appendices

In the interest of reducing waste, all appendices are provided as electronic documents and include:

- A—Benicia Climate Action Plan can be downloaded at <http://www.beniciacimateactionplan.com/cap.html>
- B—Standard Agreement

Project Proposal

#11-COB01

Client:

City of Benicia

Project:

Sustainability & Climate Action
Website design and development

Date:

Monday, January 17, 2011

Presented to:

Doug Vu

Plumblin^e

PROJECT OVERVIEW

As outlined in this proposal, Plumblin will create a new website for the City of Benicia's environmental sustainability and Climate Action Plan website.

The primary objective for the project is to create a new website that provides residents with access to information in a visually engaging, easy to navigate, professional way.

The project will begin with a discovery phase during which we will seek to completely understand the project objectives, communication challenges, competitive landscape, target audience, production requirements, and other relevant information.

Leveraging existing web-content, Plumblin will generate a range of creative options that will provide alternative ways in which to communicate the information and promise of the program.

Selected options will then be refined based on client feedback and extended to all unique content areas, additional sections, and elements as needed.

Plumblin will then produce the final website pages, templates, and graphics necessary for production.

Elements covered in this proposal

1. Website architecture including content maps, wireframes etc.
2. CMS development - **Scope limited to budgetary requirements.*
3. Creative exploration and design of UI/UE (look and feel).
4. Development of necessary page types or templates.

APPROACH

We take a decidedly integrated approach to our work. Whether we are architecting an entire brand system or a developing single component of that brand, we know how important it is that every element work together seamlessly across every potential environment.

Because we are experts in all facets of brand expression we know what it takes to communicate a brand effectively across a variety of mediums. We understand that each medium provides unique opportunities and that each environment presents us with specific requirements that must be met in order to take full advantage of their communication potential.

We approach each project with fresh, thinking and tailor our solutions to fit the specific needs of the project itself. We do this by asking the right questions and by partnering with our clients to discover what will be the most effective solution to their brand communication challenges.

Our general approach:

- Review overall project requirements, including budget, timing, third-party vendors, etc.
- Gain a complete understanding of the product offering, company function, etc.
- Review any existing communications material such as websites, collateral, ad campaigns etc. Identify opportunities for improvement.
- Review any existing marketing material used by key competitors or industry leaders. Identify the success or missed opportunities.
- Gather any existing assets that are to be included in the project.
- Understand the target audience makeup, needs, demographics etc. Determine how the company desires its brand to be perceived by its audience and identify opportunities available to do so within the scope of the project.
- Create a range of design solutions for client review. Provide source material, sketches, comps, creative outlines, style boards etc. as needed to communicate the creative direction.
- Refine selected options based on client feedback.
- Extend final selected design direction to any additional panels, pages, sizes, or mediums as required.
- Produce final production elements including electronic print mechanicals, web-ready coded elements, etc. as required.
- Deliver final art or elements to the client or approved third party.
- Provide continued art direction, production or creative support as requested.

PROJECT: WEBSITE

Website Architecture:

- Audit existing content. Understand technical requirements, requested features, desired functionality, etc.
- Develop initial content outline and functional or technical overview.
- Dynamic data, admin, and CMS Plan. Generate DB or CMS overview (e-commerce, dynamic content etc.).
- Refine or extend content outline based on client feedback.
- Generate initial set of UI wireframes.
- Refine, edit, and extend wireframes.
- Deliver complete set of wireframe documents for all unique areas site. Include tech/build notes and other pertinent information.

Website Design:

- Gather existing brand elements such as brand identity and usage guides, product photography, current messaging etc.
- Create a range of look-and-feel options for client review. Present mockups, samples, or storyboards as needed to communicate theme, style, and visual intention of the design concepts.
- Based on specific client feedback, refine concepts, layout, illustration style, typography and other design elements, as requested.
- Extend look and feel to additional unique page types for the site. Further refine layouts and look and feel as needed.
- Integrate final elements into the visual system. Incorporate any outsourced technology as required.
- Develop and provide visual style-guide defining visual elements of the website.

Website & Graphic Production

- Produce web graphic, images etc.
- Produce final Website pages or templates (see notes) using HTML, CSS, and JavaScript as appropriate.
- Build DB and ADMIN systems per specifications - to fit within budgetary requirements.
- link to or otherwise Integrate social media elements.
- Install any analytics / stat functions
- Test and refine admin and CMS systems.
- Transition Website files for final deployment on existing client Web servers.
- Beta test final Website and edit source code as needed.
- Provide creative and development support through launch.

Project Notes:

1. Client will provide brand identity, image, and copy elements.
2. Design extension included for 5-7 **unique page types** or template styles.
3. CMS Platform TBD - limited to budgetary restraints
4. Plumblin includes basic SEO as part of any web-based project including: Meta info, alt tags, code optimization, etc.
5. CMS Build will be limited in scope. CMS functionality will enable client to:
 - *Update content on pages*
 - *Update specific / set images on pages*
 - *Upload and link to PDF documents*
 - *Embed links to external sites, videos etc.*

CMS functionality that will require an additional proposal:

- *Adding or creating new pages or sections*
- *Develop or create new contact forms*
- *Add images to the body of pages*
- *Tag or identify content in database*
- *Develop and deploy dynamically generated content*

ESTIMATE

WEBSITE ARCHITECTURE / DESIGN / PRODUCTION		
Mapping & Wireframes (1 round)	\$500.00	
Creative Exploration / Design	\$3,000.00	
Design Refinements & Extensions - 2 Rounds	\$2,000.00	
Front end code/build (HTML / CSS etc.	\$2,000.00	– \$2,500.00
CMS & Admin development / DB	\$3,000.00	– \$3,500.00
Testing / Editing	\$500.00	
<hr/>		
SUBTOTAL:*	\$11,000.00	– \$12,000.00
<hr/>		
TOTAL:*	\$11,000.00	– \$12,000.00

**Estimate only. Additional requests or refinement rounds will require supplemental agreement. Additional hour accrued will be billed at \$125 per hour.*

SCHEDULES

PROPOSED PROJECT SCHEDULE: WEBSITE		
	PHASE	NOTE
WEEK 1	Discovery / Strategy	1-2 meetings
WEEK 2	Content Review	
	Mapping	
	User Paths for CMS	
WEEK 3-4	Architecture / Wireframes	
WEEKS 5-6	Creative Development	
	Back-end development / DB	
WEEKS 7-8	Design refinements	
	Back-end development / DB (cont.)	
	Design finalization	
WEEK 9	Design Extensions	
WEEKS 10-14	HTML Front End Production	
	Back-end / admin / CMS	
WEEK 15	Beta Launch / Review / Editing	
	Launch	
ESTIMATED PROJECT SCHEDULE:		15 Weeks

PAYMENT SCHEDULE		
Due upon hire	25%	
Due upon presentation of initial creative	25%	
Due upon approval of final creative	25%	
Due upon delivery of final art / files	25%	Plus expenses or agreed-upon service additions.

GENERAL TERMS

Project phases: Typical design phases consist of 1 concept and 1 to 2 refinement phases per project. Additional requested refinements MAY require additional estimates, change-orders and/or fees. Client will be apprised of any potential design charges to be incurred.

Proofing/approval: Plumblineline makes every effort to ensure the accuracy of type, color and layout. However, it is the ultimate responsibility of the client to proof and approve these items. Plumblineline will not be held responsible for any errors and/or omissions following final client sign off.

Contacts: Client should provide a contact person who will be responsible for gathering and delivering final content, approving/proofing layouts and copy, and facilitating payment for services. A back-up contact should be provided in case primary contact is unavailable. Client should also provide one technical contact that can answer any questions that might arise during the production phase of this project (a back-up should also be provided in case primary contact is unavailable).

Errors and omissions: Agency assumes no responsibility for on-press mistakes, omissions, ink variations and other print-side errors.

Usage and ownership: Final concepts, approved art and copy shall become the sole property of the client upon completion of the project and only upon receipt of payment in full. Concepts, art, and copy or ideas submitted, but not retained, remain the sole property of Plumblineline and must be returned to Plumblineline upon request. Use of incomplete, non-purchased, or unselected work is a violation of copyright law.

The agency reserves the right to use any and all parts of the project(s) for the purposes of self-promotion (i.e. as part of the Plumblineline Website case studies or in a portfolio).

Due dates and delivery times: Are subject to change based on length of time taken, requested by or required by client for feedback, input, direction etc.. Client will be informed of any revised delivery times, turnaround and approval time necessary to meet deadlines.

Estimate duration: Proposal is available for consideration for a period of 30 days from the creation date.

Agreement Termination: Either party may terminate this agreement with 30 days written notice. Upon termination, any out-of-pocket or additional expenses incurred by Plumblineline must be paid and any work hours compensated as appropriate and agreed to by both parties.

Compensation: Fees will be charged as outlined in this proposal and must be paid within 30 days of receipt of invoice from Plumblineline. Paid compensation is non-refundable.

Out of pocket material expenses: Will be billed to the client and **may*** include a service charge of 15%. All final purchased material will become property of the client. Out of pocket expenses include, but are not limited to the following: Copy writing, original and/or stock photography, illustration, typefaces/fonts, film, color proofs, engineering and e-commerce development etc.

Travel expenses: Plumblineline does not charge for reasonable travel and transit related expenses. Reasonable travel is defined as travel within 75 miles less than one time per week. Travel that falls outside of these parameters will be charged to client. Reasonable parking and other transit related expenses are covered up to \$150.00 per week. Plumblineline will seek prior approval from the client for expenses beyond this scope.

Material costs: All materials shall be charged to the client at cost. Materials include, but are not limited to the following: disk media, film, proofing materials, etc.

Additional charges: Plumblineline makes every effort to remain within the budget estimated in this proposal. If the scope of the project changes, or additional design or production requests are made that are not covered in this proposal, it may become necessary to create a revised project estimate identifying any additional fees.

FACTS

Background:

Plumblineline was founded in 1999 by Dom Moreci after working for top-tier design firms in the Bay Area.

Since the beginning our goal has been to bring to the mid-sized brand a combination of big-brand expertise and small firm flexibility. We continue to provide our clients with highly creative, award-winning, yet strategically sound design solutions.

Our clients can be found all over the nation and represent a wide array of industries from technology, to consumer goods, to non-profits. We have no “studio look” and pride ourselves in doing what is right for each client and each project individually.

We specialize in capturing and communicating what makes your brand special.

In-House Services:

- Brand, Product & Corporate Identity
- Website Design & Development
- Packaging & Label Design
- Print Collateral Design
- Print Advertising & Direct Response
- Out of Home & Point-of-Purchase Design
- Online Advertising

Our Team:

- Dom Moreci
Principal & Creative Director
- Robert Burns
Design Director
- Peter Nochisaki
Web & Technology Director
- Aaron Pedroza
Designer
- Eric Ball
Designer
- Brent Miller
Production Designer

TESTIMONIALS

"It is a pleasure to work with Plumblin, they're absolutely first rate. They quickly understood both our objectives and what made us distinct, and they developed a completely new logo and color scheme that presents a strong fresh and clean look that fits and conveys who we are. It's unusual for our clients to comment on our stationery or announcements, and nearly all of them have told us how much they like the new logo."

*Adam Sachs
Partner, Folger Levin LLP*

"Plumblin has done great creative work for us. They understand our target audience and how to grab their attention. They bring great ideas to the table and successfully integrate our business objectives into the creative work. They designed an award-winning corporate brochure and a print advertising campaign that significantly raised our brand awareness. A great team to work with!"

*Kerri Shea-Beers
Sr. Manager, Marketing
Webroot Software*

"Plumblin provided our team an exceptionally high level of creativity and technical power. Not only is the talent in this small agency outstanding, but its commitment and support throughout all stages of the process is invaluable."

*Jim Koulias
Deputy Director
Center for Ecoliteracy*

"I have worked with Dom on several projects, including three complete website designs and the logo/corporate ID for my newest company. Dom is a phenomenally talented designer who is also a joy to work with. I am consistently complimented on our logo and our general corporate design sense, and I believe our reputation for strength in design has played a role in the success we have enjoyed so far. I have recommended Dom and plumblin to several other entrepreneurs, and it has always reflected well on me. Dom rocks!"

*Oren Michaels
CEO, Mashery*

"Plumblin has been a valued partner of ours since we first launched the Ann Getty House Collection. Over the years we have relied on them to provide us with creative services of nearly every type. They balance their creative efforts with a complete understanding of our business, our customer and our communication needs. We have always been pleased the results of their work, and really appreciate their flexibility, strategic thinking, and their ability to let our brand be the star of the show."

*Taylor Nagle, COO
Ann Getty & Associates*

"Given the nature of our business, we needed a nimble agency that could produce great creative across a variety of platforms – print, collateral, website and brand ID. With their strong creative talent and lean business model, Plumblin gave us 'big agency' creative and client service without 'big agency' bills."

*Darrell van Ligten
Senior V.P., Strategic Dev.
Wendy's Arby's International*

"What can you say about a design company that wins a national award with the first print piece they create for you? Plumblin's creativity hit the mark with their innovative introductory "Timeline" for our new music exhibition. Definitely not something that gets tossed in the garbage."

*Merry Alberigi
Executive Director
Marin History Museum,*

"Plumblin is a design group that hears what you saying, creates beyond your expectations and responds with efficiency – look no further!"

*David Zurowski
Director of Marketing
Somerset Wine Co.*

"Dom and his team have delivered great work and great value to me and to other companies where I have introduced Plumblin. Excellent work, thoughtful, fast, and fair."

*Mark Coopersmith
Managing Director,
The Argonauts Group*

CLIENTS

References:

Gretchen Brakesman
Sales & Marketing Director
The Ranch Winery
707-286-2690
gretchen@ranchwinery.com

Jim Koulias
Deputy Director
Center for Ecoliteracy
510-845-4595
jim@ecoliteracy.org

Rob Crews
Vice President of Marketing
Wendy's/Arby's International
678-514-6857
Robert.Crews@wendysarbys.com

Scott Raposo
E-Commerce Sales Manager
Community Coffee Company
225-368-4303
SRaposo@communitycoffee.com

Jiyun Lee
Partner
Folger Levin, LLP
415-625-1075
jlee@folgerlevin.com

Oren Michaels
President
Mashery
925-698-3698
oren@mashery.com

Dean Weldon
President
Academy Studios
415-883-8999 x103
dean.weldon@academystudios.com

David Zurowski,
V.P. of Marketing
Sommerston Wine Co.
707-967-8414
david@highflyerwines.com

Selected Client List:

U.C. Berkeley / Haas School of Business
Clif Family Winery
U.C. Berkeley College of Engineering
Wendy's Arby's Group International
American Golf Corporation
BUNN Corporation
Yosemite Conservancy
Community Coffee Co.
Highflyer Wines
E&J Gallo
Thomas Kemper Sodas
Duckhorn Vineyards
Clif Family Vineyards
Far Niente / Vinescape
Sommerston Wine Co.
Center for Ecoliteracy
Peets Coffee & Tea
Summit Lake Winery
Alcatel-Lucent
Crestwood Behavioral Health
Inveneo
WYSE Technologies
Ann Getty & Associates
Nanotex
Marin History Museum
The Ranch Winery
Portalupi Wines
Healthy Buildings Inc.
Intuit
Cunard Cruise Lines
Academy Studios
Sonic Solutions / Roxio Toast
The League to Save Lake Tahoe
Coblentz, Patch, Duffy & Bass, LLP
Community Action Napa valley
Mashery
Sommerston Wines
Course Co. Inc.
ET Water
Dovetail Wines
Blende Dental Group
Webroot Software
SunLink Corporation
Empire Communities Arizona
Clorox
Transmeta Corporation
Larkspur Hospitality Corporation

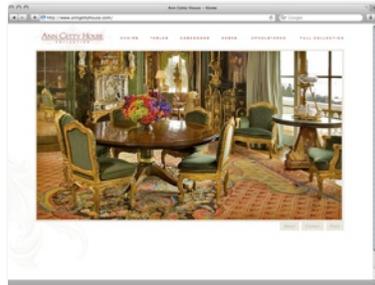
PROJECT SAMPLES (WEB)



Client: Highflyer Wines
Project: highflyerwines.com



Client: Yosemite Conservancy
Project: yosemiteconservancy.org



Client: Ann Getty & Assoc.
Project: anngettyhouse.com



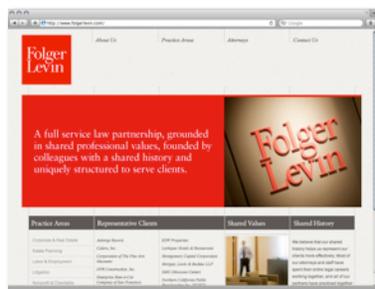
Client: Center for Ecoliteracy
Project: ecoliteracy.org



Client: Community Coffee
Project: communitycoffee.com



Client: UC Berkeley / Haas Columbia
Project: berkeley.columbia.edu



Client: Folger Levin llp
Project: folgerlevin.com



Client: Portalupi Wines
Project: Portalupiwine.com

PROJECT SAMPLES (PRINT)



Client: WYSE Technologies
Project: Marketing & Sales Brochure



Client: Highflyer Wines
Project: Promotional Material



Client: Ann Getty Collection
Project: Marketing & Sales Brochure



Client: American Golf
Project: Private Club Brochures



Client: Dovetail Wines
Project: D-Tail Wine ID & Labels



Client: Academy Studios
Project: Capabilities Brochure



Client: Prestige Homes
Project: Sales Collateral



Client: Somerston Wines
Project: Wine Labels

PROJECT SAMPLES (AD)



Client: UC Berkeley / Haas / Columbia
Project: Exec MBA Campaign



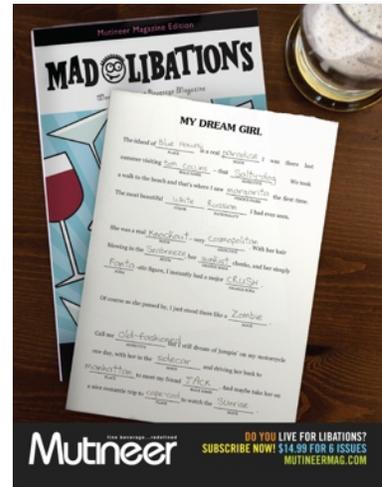
Client: Webroot
Project: Protection vs. Speed Campaign



Client: Mashery
Project: SXSW API Lounge Campaign



Client: Ann Getty Collection
Project: SF Design Center Campaign



Client: Mutneer Magazine
Project: House/Subscription Ads (series)



Client: Ranch Winery
Project: B2B Awareness Campaign

CASE STUDY:

Client: Yosemite Conservancy
Scope: Brand Communications
Website Design & Development
Publication Design
Collateral Design

Services: Information Architecture
Design / Look & feel
Front End Production (html/css)
Full CMS Development
Third Party Vendor Integration
Icon Development
Photography Direction
Advertising Design
Publication Design / Production

Timing: May-November 2010

Objective:
Develop a new look for the Yosemite Conservancy - an agency formed by the joining of the Yosemite Fund and the Yosemite Association. Extend look to print collateral, website, magazine, emails etc.

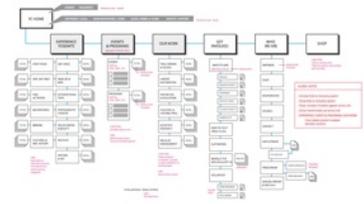
Insight:
As the new manifestation of two very old and prestigious non-profit groups developed to support and preserve the Yosemite National Park, The Yosemite Conservancy needed a new look for all of their brand and communication material. This included the obvious print collateral, but also featured a new look for a 30+ page magazine, and a fully dynamic, content managed website.

As with many non-profits, the political nature of the project made it necessary that we not only produce outstanding work, but that we do so in a way that would help ease the concerns and reservations of some of the members more resistant to change.

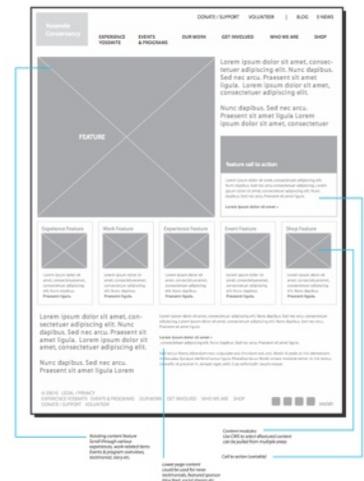
By carefully listening to the individual opinions, needs, and requests of key members, we were able to alleviate most of their concerns.

Results:
The final website and magazine were very well received and the project was completed on time and within the given budget range.

Plumblin's team and work was acknowledged at the Yosemite Conservancy's annual Holiday event.



Site Mapping & User Paths



Wireframes



Website: www.YosemiteConservancy.org



Semi-Annual Magazine

CASE STUDY:

Client: Center for Ecoliteracy
 Scope: Website Design & Development
 Services: Information Architecture
 Design / Look & feel
 Front End Production (html/css)
 Full CMS Development
 Custom Blog Development
 Email Marketing
 Timing: January-June 2010

Objective:
 Develop a new look for the Center for Ecoliteracy - a content-rich, education and advocacy website with several hundred pre-existing essays, articles, and other content.

Insight:
 Our challenge here was to build a new site, database and CMS around existing content, eventually working that content in and retrofitting it with a new, more dynamic system.

The project began with a discovery phase during which we audited the existing content of the website and discussed in great detail the way in which the client wanted users to discover and interact with the content.

Results:
 Each module or snippet of content is "tagged" with keywords. These keywords are then called upon and used to display specific content to a user depending on the path they follow.



Wireframes



Website: www.Ecoliteracy.org



Email marketing

PROJECT AGREEMENT

This proposal constitutes a Project Request (Job Number 11C0B01) as agreed to by the parties below on:

_____, 2011.

This agreement is limited in scope as defined by this document and is subject to the general notes, terms and conditions incorporated herein.

Approved/Accepted by:

Doug Vu
City of Benicia



Dom Moreci
Plumblin Studios, Inc.

City of Benicia | 02.24.11

Sustainability and Climate Action Plan
Website Project: Updated Proposal



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EMC: A Natural Partner

Thank you for the opportunity to respond to the City of Benicia's request for proposal for the Benicia Sustainability and Climate Action Plan Website Project. The Web is a vital communication and branding vehicle for Benicia's pollution control and resource conservation efforts. **BeniciaClimateActionPlan.com** should be a living medium, evolving as new information and technological advances become available. EMC Creative brings to the table a range of qualifications that makes us uniquely positioned to provide a robust website with an engaging and informative user experience.

Following are materials that demonstrate our capabilities and our understanding of consumer behavior. Our company is committed to working for organizations that make life better, and this website has the potential to enhance life for all who log on. We look forward to building a partnership in business with you that will help educate and empower residents of Benicia.

Agency Bios / Contacts

EMC Creative provides continuity to each client with a full team, including a creative director, designer, project manager and quality controller. EMC has resource depth to manage all project components with 24X7 service contact points.



ML Haynes

Director of Interactive
ml@emccreative.com

- Responsible for vision, strategy and digital execution
- 15 years experience
- Background includes brands such as Chevron, City of Livermore, Wells Fargo



Terry South

Web Designer/
Production Artist

terry@emccreative.com

- Responsible for web design and development
- Proficient in Flash CS5, Dreamweaver CS5, Actionscript2, HTML
- Wordpress, CSS
- Background includes brands such as Showtime, Diablo Valley College



Jim McDermott

Database Admin/
Programmer

jim@emccreative.com

- Responsible for database creation and coding, and CMS management
- Proficient in CGI, HTML, Javascript, XML, PHP, Perl
- 19 years experience

Approach



Who are we targeting?
What are they talking about regarding conservation?

Who are we targeting?
What does Benicia's CAP stand for?
How do we best engage residents to join the conversation?
What will resonate and create change?
How can we make this easy to access and understand?

Execute streamlined site.
Measure response, through Twitter or blog.
Analyze feedback and time on site accessing information.
Monitor behavioral changes, through social media or email feedback.

Implement a thorough audit of existing site
Compare and provide best practices and ideas from other city CAP plans
Solicit feedback from Benicia's Sustainability Oversight Committee regarding critical content for residents and city leaders
Provide thought leadership regarding climate change that is easy for Benicians to understand and follow, and will at the same time instill a sense of goodwill and community pride
Outline step-by-step process and ideas for residents to implement for the betterment of Benicia

Approach: Addressing Design Elements



Consultant Qualifications

Since the founding of EMC Creative in 1980 (originally Edwards & McCaslin), we have been a thought leader in creating desirable and memorable destinations to enhance the quality of life in the Bay Area. Over the years, we have worked with established cities including the Town of Danville, The City of Pleasanton, The City of Livermore, The City of Fremont, The City of San Ramon, Mission Bay (San Francisco), Mueller (Austin, Texas), and have contributed to highly successful and strategic communication programs for sustainable initiatives.

We have also partnered with organizations dedicated to economic development, green design and construction resource, conservation and green house gas initiatives.

We know the space.

Our daily news blog, The Real Story with Colleen Edwards (launched two years ago on KCBS.com), has given us access to leaders in government, green industry and design — and rare insight into California’s place in global sustainability efforts. With our understanding of legislation such as AB 32 and SB 375 taking effect this year, EMC can help the City of Benicia craft a plan of action by creating, implementing and gaining support for green strategies.

We know the web.

EMC Interactive was formed as part of EMC Creative in 1995, when the web was in its infancy. Our experience includes the development of large sites, as well as open-source platforms, digital media, custom applications and analytics.

Consultant Qualifications

We Know How to Create and Implement Practical Solutions.

While we pride ourselves on thinking big, we always start with the needs (and budget) of the client. We want to make sure the solutions we provide make sense from the point of view of departmental structure and goals.

EMC Creative is well versed in the use of PHP-based CMS, having built customized systems for large sites as well as developing on open-source platforms. We have a number of clients who expect rapid response on revisions and additions to their sites. Our Interactive Team is cross trained and able to perform needed functions near-interchangeably; they also take great pride in pursuing specialty areas of expertise such as web-based video, mobile web, social media and optimization.

The sites that follow each have robust CMS and administrative tools that make client-side updates convenient and reliable. We can train clients on the use of these tools and continue to stay attached to each on an as needed and on-call basis, handling larger content and navigation changes, back-side and database management and troubleshooting as needed with application updates and other unforeseen changes.

Scope of Work

Our drive to build a website that will inform and educate residents is guided by the following:

- Leveraging economies-of-scale and open source opportunities for content/component creation
- Enabling Benicia stakeholders to make modifications as needed, quickly and directly
- Maximizing search results through optimization, for initial launch and on-going
- Connecting Benicia residents with relevant and actionable information and resources
- Enabling Benicia stakeholders to interact with residents and respond based on feedback
- Supporting real-time dialogue to develop deeper understanding and effect action within the community and beyond
- Using EMC's expertise in developing on-target and results-oriented web applications, including informational and educational websites for similar initiatives

Scope of Work



Project Schedule

PHASE	TASK / DELIVERABLE	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	WEEK 6	WEEK 7	WEEK 8
1 Kickoff	Teams meet at Kickoff; discuss roles, communications, assumptions, expectations Ensure Benicia and EMC teams are in agreement Discuss and agree on Preliminary Project Plan								
2 Discovery & Planning	Conduct interviews, as needed Research & analysis Write Requirements Brief Finalize Project Plan Presentation to sub-committee of Community Sustainability Commission Benicia approves Requirements Brief & Project Plan								
3 Draft Direction	Site Architecture Revise & expand Site Structure; create Wireframes and Navigation Copy Presentation; Benicia approves Site Architecture Design & Copy Draft 2-3 design options based on earlier approved documents Create draft language based on earlier approved documents Revise and refine (1-2 rounds of design revisions/copy edits only) Benicia approves Design & Copy								
4 Delivery	Development Produce graphical assets Code site (including copy) Testing Test and fix bugs (including Benicia team) Launch or deliver finished files Train Benicia stakeholders, as needed								
5 Assessment and Closing	Complete project and celebrate success Conduct evaluations Archive assets and complete documentation								

Proposed Budget

Website Design and Implementation

8 weeks total

Phase 1: Kickoff	1 week	\$ 750
Phase 2: Discovery & Planning	1 week	750
Phase 3: Draft Direction	4 weeks	7,500
Phase 4: Delivery	3 weeks	6,250
Phase 5: Assessment & Closing	1 week	750
Total Price (updated 02-24-11)		\$ 16,000

Proposed Budget

Website Promotion

Standard:	included in original estimate/proposal — integration of social/sharing widgets, SEO and metadata, and creation of email signature content/graphics	\$	N / C
Plan A:	includes concept, design and production of signage (banners, posters) and email template		2,500*
Plan B:	includes concept, design and production of signage, email template, online display ad template, newsprint ad template, public relations and social media strategy		10,000*

* *print costs are not included in these prices*

IX.C.50 References / Examples of Work



Tai Williams
Transportation Director

Town of Danville
(925) 314-3313
www.ci.danville.ca.us

Strategy, consulting, collateral for "shop local" campaign, resource guide
Social media presentation to city leaders, web audit



Laura Ryan
Energy & Sustainability Manager

City of Pleasanton
(925) 931-5595
www.ci.pleasanton.ca.us

Green, sustainable brochure for community outreach



Christina Briggs
Economic Development Director

City of Fremont
(510) 384-4020
www.thinkfremont.com

Clean tech brochure



Deanne Desjardin
Director of Marketing

Mueller / Austin, TX
(512) 703-9219
www.muelleraustin.com

Strategy, website design, hosting, maintenance, registration

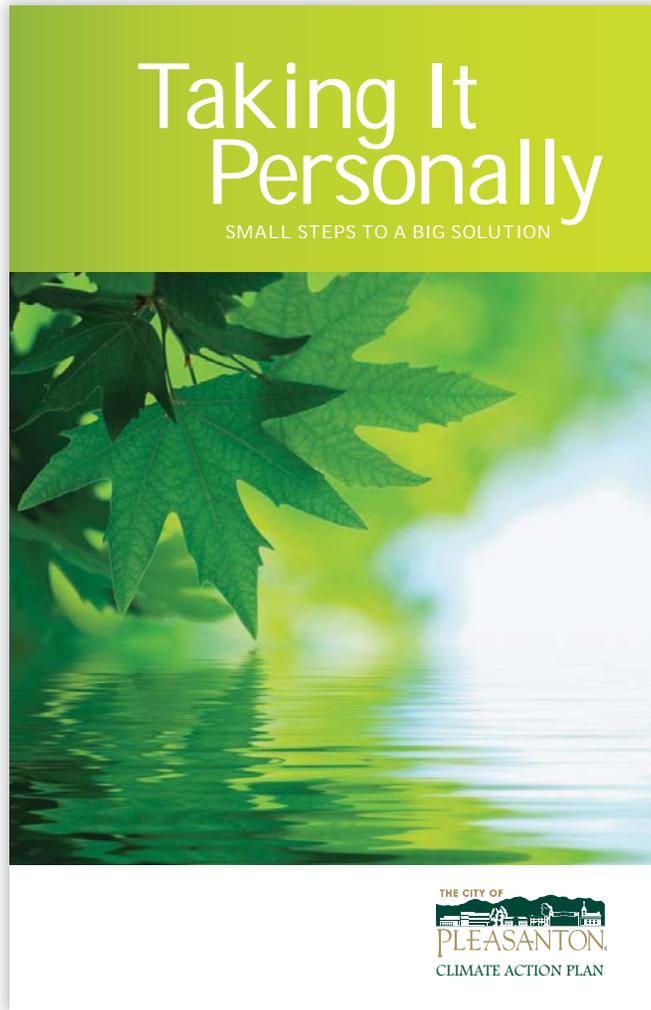


THE VOTE SOLAR INITIATIVE

When this grassroots nonprofit organization expanded to a national audience, EMC provided its next-generation web site. The new site attracted participation from a greater number of citizen activists, served as a national resource on solar policy and allowed Vote Solar to share their mission through social media.

FEATURES

- Citizen-friendly organization
- Always-in-sight Interest List sign-up
- Donation module
- e-Blast module
- Customized templates
- Social media components
- Blog and commenting
- PHP-based Content Management System



CITY OF PLEASANTON

One of the mediums the City of Pleasanton used to spread the word about its climate action plan was a 20-page booklet, distributed at the Farmer's Market and other community gathering places. EMC designed the piece to provide consumer-friendly organization and an eco-friendly identity.

FEATURES

- Climate Action Plan content
- Easy-to-skim design
- Complements City's brand identity

Promotional Web Portal



CHRISTOPHERSON HOMES

When a home builder wished to promote the advantages of green building features to its customers, EMC developed this web site. The information is categorized into three areas: why thinking green is important, green building practices and everyday tips for green living.

FEATURES

- e-Blast sign-up and opt-in
- Link to homebuilder site
- Appealing user experience
- Graphics consistent with Eco, the builder's green design center



CITY OF FREMONT

To promote Fremont as a good location for clean tech businesses at trade shows, EMC worked with the City's Economic Development office to develop this handout. The design conveys an impression of innovation and efficiency, and highlights solar panel and electric auto manufacturing.

FEATURES

- Quotes and photos from actual high-profile Fremont-based businesses: Tesla Motors, Solaria Corporation and Solyndra
- Charts demonstrating VC investment in the city
- Colorful, well organized presentation



CATELLUS

A mixed-use redevelopment project in Austin, Texas, is one of the most sustainable communities in the nation. EMC, the master marketing firm for the community, created an "Austin-thentic" web site that remains (4 years after launch) informative and engaging to multiple stakeholders: citizens of Austin, City officials, multiple homebuilders, commercial/retail tenants and brokers, employees, residents and neighbors.

FEATURES

- Home finder database and search
- Home page interest list sign up
- Music player
- Interactive map
- Interactive floor plans
- Blog
- PHP-based Content Management System



THE REAL STORY WITH COLLEEN EDWARDS

This real estate news blog was launched in March 2009 and has published daily ever since. EMC initially partnered with KCBS radio to establish the brand as a credible news source for a mass audience. The blog has given EMC access to industry experts that has resulted in in-depth understanding of climate change legislation and other relevant issues.

FEATURES

- Daily blog entries (7 per week)
- Daily podcasts
- Audio player
- Social media components
- Amazon Affiliate Program
- Ad serve application
- PHP-based content management system

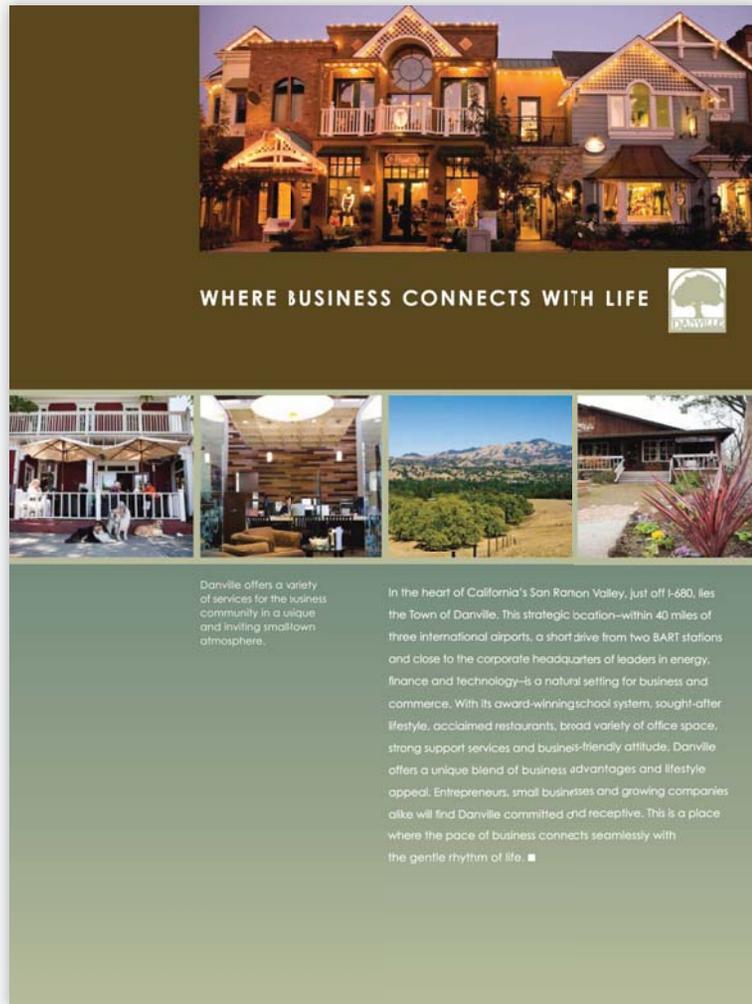


CHOICELUNCH

A catering company specializing in premium school lunches needed a web-site that reflected their new brand promise and identity. EMC worked with the client's internal IT team to incorporate a proprietary ordering program and enhance it with information and features that encourage user engagement.

FEATURES

- ORDER NOW feature on every page
- Highlighted menu items on home page
- Social media connections
- Blog module
- Animated video module
- PHP-based Content Management System



TOWN OF DANVILLE

This brochure, created for the Town of Danville's Transportation and Economic Development department is directed to an audience of small business owners and entrepreneurs. The piece, highlighting the benefits of locating a business in Danville, is a presentation that represents the Town's unique character.

FEATURES

- Leverages the Town's photographic assets
- Establishes brand guidelines for Town publications (digital and print)
- Folder format allows Town to include relevant handouts

Promotional Landing Page



CANADIAN SOLAR

During the hottest SF Giants season in recent memory, Canadian Solar partnered with the Giants to help introduce their brand to the consumer audience. This landing page appeared on sfgiants.com

FEATURES

- Promotional design that incorporates Canadian Solar identity
- Complete contest information
- Registration module

Thank you for this opportunity to submit a proposal to the City of Benicia for consideration for the official Request for Proposal for the Benicia Sustainability and Climate Action Plan Website.

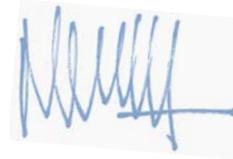
We are looking forward to the possibility of a partnership between EMC Creative and the City of Benicia. Our team is ready to listen carefully, roll up our sleeves and get to work.

In the meantime, we hope the attached portfolio has demonstrated our creative capability as well as our qualifications.

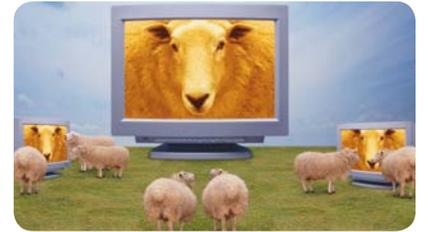
Contact: (925) 837-9380



Susan Stafford
New Business Development



ML Haynes
Director of Interactive



EMC Creative offers in-house capabilities for strategic marketing, corporate branding, environmental design, online communications, print and broadcast advertising, illustration, and media planning and placement. To view our portfolio, visit our website at,

emccreative.com

50 Oak Court · Suite 201
Danville · CA 94526
925 837 9380 · f 925 838 2613

Doug Vu, Associate Planner
Community Development Department
City of Benicia
250 East L Street
Benicia, California 94510

Hi Doug

Attached is a proposal for the Benicia Sustainability and Climate Action Plan Website.

This is submitted jointly by Hudson Business Networks and myself.

If you have any questions, feel free to call me.

Thanks



Brian
707-720-6786



**Benicia Sustainability and
Climate Action Plan Website
Project
RFP Response**

**Website Development
Statement of Work**

Presented By:

WG Design Group
&
Hudson Business Networks, Inc.

WG | design group



February 2, 2011

Draft

HBN Confidential



Introduction

WG Design Group and Hudson Business Networks (HBN) are pleased to offer this Statement of Work (SOW) in response to the Request for Proposal from the City of Benicia for Benicia Sustainability and Climate Action Plan Website Project

Background

The City of Benicia is located in Solano County with a population of 28,000. The City's 1999 General Plan and the FY 2009-2011 Strategic Plan have identified sustainable development and carbon reduction as a top priority. In 2009, the City adopted a Climate Action Plan (CAP), which provides objectives and strategies that will guide the development and implementation of actions that will cut Benicia's greenhouse gas emissions (GHG) to 2005 levels by 2010 and reduce GHG emissions to 10 percent below 2000 levels by 2020. Also in 2009, the City formed a Community Sustainability Commission that is responsible for advising the City Council on the implementation of the Climate Action Plan and related measures. The purpose of the Center is to improve employment within the County by helping small businesses to be more successful, in growing revenue, and therefore jobs.

Project Overview

The City desires the development of an effective website that will inform Benicia residents about the City's efforts to reduce greenhouse gas emissions through water conservation, energy efficiency and renewable energy projects. The goal of the website is to educate the local community about climate protection planning and encourage residents to take action that will promote sustainability, as identified by strategies in the Climate Action Plan.

Approach

WG Design Group and Hudson Business Networks will work collaboratively with the City of Benicia's Community Sustainability Commission on the design and functionality of the website. Tools and Materials used for the website project include software tools, content, and architecture.

Appearance

Often time how content is presented will determine the overall effectiveness of a website. The effective use of website real estate presents the most important ideas in prominent locations and the use of graphic elements to draw attention to important content and links.

Design Process

The design process starts with a meeting with our web developers to understand your design considerations, listening to where your team wants to go with the website. We collect information from your team that includes cross-links, content, synergistic websites, design elements you want incorporated, and marketing collateral. Our team will bring back a prototype design that will serve as a starting point for the design. Once we agree to a design our developers will code a custom template design and begin to populate that design. Changes to the template after it has been accepted may delay the delivery date and could increase the cost of the website.

Software tools include:

Photoshop for graphic design
Dreamweaver for webpage templates and CSS
Coda (MAC) for webpage templates and CSS
Adobe Illustrator for Graphics
Joomla CMS

Standard Tools:

FTP
Email
Text editor

Architecture

Utilize industry standard best-of-breed software for the entire project that includes using an open source applications and frameworks. We plan to utilize the following software and applications for the development effort and the final production environment:

1. MySQL database
2. PHP development environment
3. Apache web server
4. Joomla CMS (Content Management Systems)
5. CSS – style sheets
6. Awstats
7. Social networking
8. Email marketing / newsletters

MySQL Databases

MySQL is an open source database software that provides the backend functionality for all of the popular applications that the City of Benicia Sustainability Commission desires on their website. MySQL is a fully compliant SQL database that integrates with all of the most popular scripting languages. It is easy to use, transportable, easy to integrate, secure, and reliable. MySQL is the most popular choice for content management and ecommerce databases. This database provides a rich library of predefined applets and functions, which greatly reduce the overall cost of the project. Additionally, the database also has wide acceptance in the development community allowing for better support and interoperability.

PHP

PHP is an Open Source scripting language that used to interact with the MySQL database and web servers. This allows for content management systems (CMS), Calendar applications, and other applications that provide the functionality this project requires.

Apache Web Environment

Apache web servers are the most popular and secure web servers on the Internet. Apache web server is open source software application that is used by well over 90% of all websites. It is a Best Practice for most web hosting and design companies. This environment is not platform-specific; the application runs in both Windows and Linux

Joomla CMS

Joomla CMS is an open source Content Management System is a very popular framework for websites that have extensive content. Joomla also empowers the client enabling them to update their own website in real time. This proposal also includes included training on how to enter content, pages, pictures and work with other applications to maintain the website in the Joomla framework.

CSS – Style Sheets

This web site framework allows the same website and web pages to be presented in multiple forms across numerous different web media formats without significant redesign. CSS allows you to present in multiple formats, such as mobile and ADA.

Awstats

This is one of the real time website statistic programs the provided to our customers to allow them to track their website visitors and marketing. This program includes a full set of graphs and real time information concerning how the website is being accessed. This program will enable the City of Benicia Sustainability Commission to track their website marketing campaign and SEO success. Being able to measure website traffic is the first step in achieving the website goals and objectives.

Newsletters and Email Marketing

This source of cross-linking focuses on subscribers. This could be blogs or face book posts. Information gathered from other sources that advertises and creates a buzz about your business.

Social Media

Social Media is all about joining the existing conversation that people are having about sustainability in Benicia. We would recommend that this website have a social media component that is integrated in to the website.

Social Media includes Facebook, Twitter, You Tube, Flickr, and many others. It is only cost effective to consider only a few of these. Specifically Facebook represents the most popular website in the world and the 2nd largest search provider. Any serious SEO campaign will have a Social Media component. Twitter has a unique audience that is very sophisticated and generally younger which makes it a popular way to reach out to the youth in the community.

I Contact – Member

This service is a way to stay connected to your constituents at an affordable price while providing valuable information to the community. This is a good way to distribute a newsletter or coupons. This is an effective way to reach the community in a regular and predictable manner.

Search Engine Optimization *(Not included in this proposal)*

This process, SEO (Search Engine Optimization) or website marketing increases your website's visibility on the Internet. The idea is that the more traffic on your website the



Hudson Business Networks

Secure Solutions

more likely you will be able to effectively communicate to the community the Sustainability efforts of the Commission and the City of Benicia. It starts with a baseline traffic analysis that acts as a starting point. Knowing your current traffic levels, types of traffic, and all of the metrics concerning an Internet visitor is important if you want to improve that traffic. This is the starting point. Then initial optimization is performed that allows search engines to crawl your site and index it for display as a search engine result. This process completes all of the website's meta tags, alt tags, descriptions, subject lines, adds reciprocal links, and reviews content for consistency.

Qualifications

WG Design Group and Hudson Business networks have extensive experience been designing and implementing high quality websites for nonprofits, small business, non governmental organizations (NGOs), governmental agencies, business improvement districts, land trusts, clubs, youth sports, and many others.

WG Design Group Qualifications

WG Design Group, located in Benicia, CA was established in 1989 as White's Graphics, a full service graphic design company. In 2009 the main business name was changed to WG Design Group and encompassed the 4 aspects of the business:

- * Commercial color printing
- * Full service print & web graphic design company
- * Online flip page brochures
- * Mini-Brochures - business-card-sized brochures

Hudson Business Networks Qualifications

Hudson Business Networks (HBN) is a California Corporation based in Suisun City that specializes in web design, information technology, and computer networking. We work with small businesses, not-for-profit organizations, government agencies, and large companies. We believe that good communication is the key to successful projects.

The Team at HBN has well over 30 years of information technology experience. Every member of our team is a seasoned professional and subject matter expert in information technology. We strive to create secure solutions that fit our clients' business environment.

Our website practice includes all aspects of website design and development including but not limited to website design and development, e-commerce, database applications, website marketing, search engine optimization, content management systems (Joomla and Word Press), shopping carts, website hosting, custom application development, JavaScript, PHP, MySQL, and Flash.

Sustainability Qualifications – See reference websites

Both organizations have worked extensively with nonprofit organizations, local governments, and have promoted everything from candy companies and banks to ecotourism and land banking.

Scope of Work

This project redesigns the City of Benicia's Community Sustainability Commission's website, <http://www.BeniciaClimateActionPlan.com>. The website will include the following features:

1. Joomla Content Management System
2. Calendar plug-in for Joomla
3. SEO friendly URL plug-in
4. Social media
5. CSS driven design
6. Email notifications

The menu will be a drop down menu that has landing pages and the following menu items:

1. Calendar of Events
2. Community Sustainability Commission
3. Climate Action Plan Projects
4. Related Websites
5. Science & Education
6. Community Resources
7. Comments & Suggestions
8. Administrator Log-In
9. Pages may include:
 - a. Major Indicators
 - b. What Can I Do?

Appearance

The appearance and design will be visually appealing that is both polished and uncluttered. The design will include content that is easy to read. Color and textures will be determined in the initial meetings with the development team. The city is responsible for all content including pictures, however we would be more than willing to deliver open source pictures and graphics.

Content

The City of Benicia is responsible for all content including pictures, graphics, and written content. It is our expectation that the content will be machine readable – no scans.

Navigation

Navigation will be simple and easy to use. Each menu item will have a landing page and descriptive content of the submenus off that page.

Functionality

Applications will include a calendar, article manager, menu manager, gallery, email sign up forms with subscribe, and event notification. Pages will quickly load for most Internet connections. The customer has requested a carbon calculator, this could be a custom application or we can link to an existing calculator.



Usability

The website will contain relevant, articles, applications, and links. The navigation will be easy to use and make sense. Articles and content should emphasize local stories.

Training

We are proposing to provide training for the staff at the City of Benicia to maintain the website. Joomla enables self maintenance for the content of the website. A small amount of training is required to get started.

SEO

Search Engine Optimization has three components: 1. Website statistics, 2. Initial optimization, 3. Reporting. Normally websites have an iterative component that updates website Meta tags based on Search Engine Results Pages after the first 60 days and last for over a year due to the time required for search engines and the public to recognize the changes. Part of the SEO campaign will include a recommendation for social media as an outreach to the community.

Project Schedule

Task	Start	Completion
1. RFP Award	3/15/11	5/24/11
2. Design Phase	3/15/11	4/1/11
a. Initial design		
b. Design refinement		
c. Design acceptance		
d. Create template		
3. Development Phase	4/4/11	4/15/11
a. Environment preparation		
b. hosting tasks		
c. Database initialization		
d. Install applications		
e. Joomla		
f. Joomla modules		
g. Calendar		
4. Content	4/15/11	4/29/11
a. Population of content		
i. Picture resizing		
ii. Post articles		
b. Social media integration		
i. Facebook		
ii. Twitter		
c. Initial Search Engine Optimization (SEO)		
d. Website acceptance		
i. Review and update		
5. Operation Phase	5/2/11	5/24/11
a. Email configuration		
b. Social media		
c. Search Engine Optimization reporting		



References:

WG Design Group:

1. Benicia Main Street <http://www.beniciamainstreet.org/>
2. Buck Factory Outley <http://www.calcomfort.com/>
3. Petersen Service Company <http://www.petersenjanitorial.com/>
4. Lightstar Systems <http://lightstarsystems.com/index.html>
5. Greyhawk at Suisun Marsh <http://grayhawkssuisun.com/>
6. Benicia Quickbooks Group <http://beniciaquickbooksgroup.com/>
7. Hunter Honer <http://www.hunterhoner.com/>
8. SJ Construction <http://sjconstruction-benicia.com/>
9. Benicia Historical Society (WIP) <http://wgdesigngroup.com/clients/bhs/>

Hudson Business Networks:

1. Suisun Business Improvement District <http://suisunwaterfront.com/>
 2. Waterfront Insurance <http://waterfrontinsurance.net/>
 3. Marsh Pouget Landscaping <http://www.mlandscapedesign.com/>
 4. Suisun Little League <http://suisunamerican.com/>
 5. Online Notary Classes <http://www.onlinenotaryclasses.com/>
 6. Solano County Meals on Wheels <http://www.mealsonwheelssolano.org/>
 7. Fairfield Suisun Community Action Council <http://fairfieldcac.org/>
 8. Fairfield Visual Arts <http://fairfieldvisualarts.org/>
- SEO client
IslandView Charters and Resorts <http://www.islandviewcharters.com/>

Resources:

The following people are on the development team for this website project Brian White will work to create the design for the website and have overall responsibility for the website project. Steven Castro and Buck Kimbriel, HBN's Web Developers, will be assigned to convert the design to a template and to install all of the database applications, hosting, email notifications, and to populate all of the content. Michael J. Hudson will act as the project manager and will be responsible for the search engine optimization.

Contact	Email	Main	Cell
Brian White	brian@wgdesigngroup.com	(707) 745-1601	(707) 720-6786
Michael Hudson	mjudson@hudsonbusiness.net	(707) 428-6175	(707) 372-8389
Buck Kimbriel	bkimbriel@hudsonbusiness.net	(707) 428-6175	(707) 628-3155
Sandi Hudson	webdiva@hudsonbusiness.net	(707) 428-6175	(707) 689-4643
Steven Castro	scastro@hudsonbusiness.net	(707) 428-6175	(707) 514-0374

Proposed Budget

Initial development: Development of the Website will take an initial effort of at least 56 hours, at an estimated the total development effort to cost **\$6,160**. For 1 year of aftercare maintenance for SEO, Hosting, and email notifications; we estimate **\$2,760**. For a total of



Website development

Description	Hours	Rate	Price
Development Costs			
Template Design	10	\$110.00	\$1,100.00
Joomla Installation and Configuration	8	\$110.00	\$880.00
Database setup	4	\$110.00	\$440.00
SEO application	6	\$110.00	\$660.00
Admin Training (Joomla, Calendar, Email, & Stats)	4	\$110.00	\$440.00
Populate Content	6	\$110.00	\$660.00
iContact Initial Setup & HTML Email formatting	2	\$110.00	\$220.00
Calendar Integration	3	\$110.00	\$330.00
Contact Forms (General Members, Application)	4	\$110.00	\$440.00
Social Media Integration	3	\$110.00	\$330.00
Integration of other applications like the Carbon Calculator	6	\$110.00	\$660.00
Total	56		\$6,160.00

Aftercare Maintenance

Description	Hours	Rate	Price
Hosting for 1 year			\$360.00
SEO for 1 year (reporting)			\$1,800.00
Email marketing			\$600.00
Total			2,760.00

Note

1. *Hosting – The RFP did not address Hosting of the website*
2. *This project did not identify any ongoing maintenance normally associated with SEO and website marketing campaigns. A minimum has been allocated to cover reporting.*
3. *Email notifications / marketing vary based on hosting, third party cost, and frequency; third party costs associated with iContact*



Summary

WG Design Group and Hudson Business Networks look forward to working with the City of Benicia and the Community Sustainability Commission on this project.

WG Design Group

Hudson Business Networks, Inc.

Brian White
Owner
Date: 2-4-2011

Michael J. Hudson
President
Date: 2-4-2011

References:

WG Design Group

Hudson Business Networks, Inc.

Nancy Martinez,
Benicia Main Street Program
90 First Street
Benicia, CA 94510
707-745-9791

Laura Cole-Rowe
Suisun City Waterfront District
1107 Park Lane
Suisun City, CA 94585
(707) 631-5029

Sharon Fasanaro
Buck Stove
4680 East Second Street
Benicia, CA 94510
707-745-5933

Cynthia Garcia
Fairfield Visual Arts Association
4160 Suisun Valley Road
Fairfield, CA 94534
(707) 428-7041



Designing Benicia's Sustainability and Climate Action Plan Website

A Proposal from Benicia Residents Kari Birdseye & Colleen Dillon-Castillo

February 4, 2011

Approach

Our strategy is to design a clean, easy-to-navigate website that promotes sustainability and Benicia's Climate Action Plan (CAP) in a manner that is inviting to Benicia's residents and all site visitors. We intend on using the natural beauty of Benicia to illustrate the site and educate visitors to the benefits of becoming more sustainable and assisting the City to meet the goals of the CAP.

The HTML website will include Web 2.0 database software and content. The homepage menu will incorporate all top-level menu selections. Website visitors will find the site fast and well-organized with all components in working order and the site will be easy to update for the website administrator. Our work flow is collaborative and we are receptive to all types of feedback processes. **Please see the attached samples graphic design of the proposed website.**

Consultant Qualifications

Kari Birdseye and Colleen Dillon-Castillo both live in Benicia and operate their own consulting businesses locally. They have developed and managed websites together for five years and are eager to work with the City of Benicia in promoting the Sustainability and the CAP through the new website.

Kari Birdseye is an environmental and sustainability specialist with twenty years of management experience and has spent more than a decade devoted to corporate environmental management. She has created and managed communications strategies on sustainability, government relations, and crisis management issues. She served as a high-profile spokesperson for the California wine industry while developing and implementing the California Code of Sustainable Wine Growing Practices program. Kari has a Master's of Science in Environmental Management from University of San Francisco and a BA degree in Journalism from San Francisco State University.

Colleen Dillon-Castillo is a website designer with traditional graphic design experience including corporate identity and logo design. 18 years of experience mostly at an Art Director level. Education: San Francisco State University, Bachelor of Fine Arts, 1995 Academy of Art College, Fine Arts/Drawing & Painting, 1985-1987 Additional coursework: Adobe After Effects, Lightwave 3D, Director, Flash Teaching Experience: Photoshop, QuarkXpress, Flash, Dreamweaver, Fireworks. Software/Hardware: Hand code HTML w/CGI and Java inserted, FTP, Flash, Dreamweaver, Photoshop, Illustrator, InDesign, QuarkXpress, Word, Excel, Powerpoint, WordPerfect, MAC and PC proficient.

Scope of Work & Project Schedule

We propose the following schedule of tasks to be completed:

Task	Date	Method
Meetings with Staff and/or Commissioners	Design Team available anytime	Provided a three-day notice
First draft of website design submitted	March 28, 2011	Providing Staff a URL to access draft website
Updated website design ready for review	One week after receiving feedback	Providing Staff a URL to access draft website
Website updated per feedback	As many times as needed	Providing Staff a URL to access draft website
Propose and display possible third-party tools after learning of client's preferences	By April 15, 2011	Providing Staff a URL to access draft website
Final draft of website design submitted	Between May 1 and May 18	Dependent on feedback cycle
Website live on City servers	May 23	Transfer of website from Design team's servers to City
Website Maintenance program begins	For one year after website goes live	If needed and accepted by City

Proposed Budget

Website design and development services: \$10,000

Maintenance of website for a year \$ 2,000
(to include bi-weekly updates or as instructed)

References and Examples of Work

Dr. John De Luca, Former Assistant Mayor of San Francisco,
Former President/CEO of Wine Institute - 650.369.3646

Mrs. Barbara Sanders, Principal of Matthew Turner Elementary School - 707.751.2300

Anne Cardwell, Assistant to the Benicia City Manager - 707.746.7479

Please visit the following websites for relevant examples of work:

<http://www.beniciaunified.org/turner/auction/index.html>

<http://www.CAgrapefruitforhealth.com/>

<http://legalmattersdocs.com/>

<http://www.dillondesigns.com/>

<http://www.birdseyeconsulting.com/>

We thank you for your consideration. Please contact us if you have any questions and we look forward to a follow-up interview next week.

Kari Birdseye
110 East D Street, Suite H
Benicia, CA 94510
415.350.7562
kari@earthlink.net

Colleen Dillon-Castillo
848 Clifton Court
Benicia, CA 94510
707.746.0767
colleen@dillondesigns.com

Benicia Climate Action Plan



[Calendar of Events](#) | [Community Sustainability Commission](#) | [Climate Action Plan Projects](#) | [Related Websites](#)

[Science & Education](#) | [Community Resources](#) | [Comments & Suggestions](#) | [Administrator Log-In](#)

Benicia Home Efficiency Program

Lower your home's carbon footprint with a City-subsidized efficiency program! The City of Benicia, in conjunction with energy experts Ennovationz and the Benicia High School Students for the Advancement of Global Entrepreneurship team (SAGE) will provide subsidized in-home energy and water assessments to participating homes, including a report that prioritizes the most cost-effective upgrades, some free instant upgrades, and an outline of larger energy-saving purchases and home improvements. All Benicia residents are eligible. Visit www.BeniciaHomeEfficiency.org to add your name to the interest list and learn more about the program.

Sustainability Commission Sworn-In

Comments received during the adoption process (through 9/15/2009) were compiled along with a staff response into the Comment Summary Table. The table indicates the date that the comment was received, the commenter, the page number of the draft document being referred to, the page number of the final document with the incorporated changes, the comment itself, how the comment has been addressed and a written staff analysis.

The Community Sustainability Commission was sworn in at their first meeting on Monday, January 25th. To view Commission agendas, please [click here](#)

The Commission elected Benicia residents Constance Beutel as Chair and Kathy Kerridge as Vice Chair. The Commission's next meeting is on Monday, March 15th at 7:00pm in the Commission Room in City Hall.

The Climate Action Plan is Now Available

The final version of the Climate Action Plan is now available to download! It incorporates comments received during the adoption process, per the Comment Summary Table. Printed versions of the plan will be available at the Public Works and Community Development Department beginning on Monday, December 7th.

Benicia Climate Action Plan



[Calendar of Events](#) | [Community Sustainability Commission](#) | [Climate Action Plan Projects](#) | [Related Websites](#)

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KARI BIRDSEYE

110 EAST D STREET, SUITE H
• BENICIA, CA

PHONE 415.350.7562

KARIBIRDSEYE@EARTHLINK.NET OR KARI@BIRDSEYECONSULTING.COM

CAREER HIGHLIGHTS

- Ten years of sustainability and environmental communications experience
- Facilitated stakeholder development & implementation of statewide “Code of Sustainable Winegrowing Practices”
- Master of Science in Environmental Management, University of San Francisco
- Committed to protecting the natural environment and sustainable business strategies through smart communications

PROFESSIONAL EXPERIENCE

Principal, Birdseye Consulting

January 2004 - Present

Benicia, California

- Develop strategic public policy programs for agricultural trade associations
- Execute public affairs, media relations and community involvement programs
- Research, write and produce documentary programs
- Design and produce outreach materials – video and press releases, annual reports, newsletters
- Provide crisis management, media training and spokesperson services
- Facilitate strategic outreach planning, provide liaison & analytical expertise with research & policy fields

Sustainability Specialist, CSRware

April 2006 - Present

San Francisco, California

- Develop performance metrics for CSRware Enterprise Sustainability Management
- Perform sustainability audits and GHG emissions footprint analysis
- Research, write and produce industry analysis reports
- Develop and implement sustainability initiatives for corporate clients
- Facilitate stakeholder involvement and communications
- Identify areas of impact reductions and cost savings for clients
- Develop long-term sustainability roadmaps and strategic plans

Program Manager/Consultant

April 2002 - February 2005

California Sustainable Winegrowing Alliance

San Francisco, California

- Co-authored and produced the California Wine Community Sustainability Report 2004.
- Facilitated internal & external feedback groups on draft report, which included 50 wine community members & 75 community members, governmental representatives, environmental and social equity groups.
- Initiated and received 501c(3) status for new non-profit organization.
- Created graphic design, logo, color scheme and website (www.sustainablewinegrowing.org.)
- Designed and facilitated educational winegrowing and winemaking workshops.

Director of Communications, Wine Institute

April 2000 – December 2003

San Francisco, California

- Facilitated development & implementation of the Code of Sustainable Winegrowing Practices program. Handled or assigned spokesperson opportunities for Code programs. Responsible for large budget and recruiting/ managing scientific and grant writing consultants.
- Served as wine community liaison to environmental and social equity groups, regulatory agencies and sustainable organizations as coalitions developed strategies for smart growth and sustainable development.
- Created, managed, and executed communications strategies including handling issues such as government relations, biotechnology, state of the industry, legal, and leadership transition. Negotiated for and arranged interviews and appearances for CEO and department heads.
- Promoted and branded California wine in a competitive global marketplace through press conferences, news releases, live web-casts and direct media contacts. Served as primary spokesperson.
- Reported to President/CEO and 40-member Board of Directors. Managed staff of ten including: media relations, historical library and in-house printing operations.

Executive News Producer, Cable News Network

May 1989- March 2000

Atlanta, Georgia

- Supervised and responsible for editorial content, production, budgets and staff of highly-rated Weekend Morning Magazine Show
- Determined weekend program content and production values; fielded dozens of press releases and calls daily. Produced on-location series, shows, interviews and live news stories
- Managed staff of twenty writers; producer; associate producer; copy editor; on-air director and talent.

PUBLICATIONS

Contributing Author, J.D. Wulforth and Anne K. Haugstad (eds.): *Building Sustainable Communities: Ecological Justice and Global Citizenship*. Amsterdam and New York: Rodopi. 2005.

Contributing Author, *California Wine Community Sustainability Report 2004*, Prepared by the California Sustainable Winegrowing Alliance; 2004.

Contributing Author, Dr. Liz Thach and Tim Matz, (eds.): *Wine: A Global Business*. Chapter written: Environmental and Social Responsibility Issues, Miranda Press, 2004.

Co-Editor, Jeff Dlott, Cliff Ohmart, John Garn, Kari Birdseye and Karen Ross: *Code of Sustainable Winegrowing Workbook*, A Project of Wine Institute and California Association of Winegrape Growers; 2002.

EDUCATION

- Master of Science, Environmental Management, University of San Francisco
- Bachelor of Arts Degree in Journalism, San Francisco State University
- Public Speaking Courses

CURRENT COMMUNITY & PROFESSIONAL MEMBERSHIPS

- President, Matthew Turner Elementary PTA
- American Association of University Women, Benicia-Vallejo Branch
- Member, Association of Environmental Professionals

colleen dillon dillondesigns.com 707.746.0767 colleen@dillondesigns.com

Dillon Designs Benicia, CA www.dillondesigns.com

Freelance Designer August 2000 to present

(formerly creative web 1995-99) Design services include: web and graphic design, marketing/promotional pieces, forms, brochures, letterhead, business cards, flyers, newsletters, ads, animation, video/broadcast design, corporate identity, logo and package design in addition to software training. Supervised service bureaus, printers, manufacturers, and photographers as requested by clients. Clients include: American Association of Physicians & Surgeons, American Cancer Society, Bernard Marque Photography, BPG Worldwide, Cranfield Corporation (www.cranfieldcorporation.com), Computer Help, DM Motors, Electronic Arts (www.simcoaster.com), Focal Point Communications, Freelance Network, HomeSafe, J & M Kayak Adventures, Korody Business Systems, Lehman Brothers, Miner Productions, Micaela, Michael Mustacchi & Associates, Nadeau Productions, Napa Valley Backdrops, Organize for Action, Prime Time Marketing, Project Achieve, Richard Berridge & Associates (www.rbla.net), Sarah Lawrence College, St. Elizabeth High School, Sega America, Specialized Bikes, Sunset Books, The Aviation Group, Tiger's Double and Video Penguin.

PRN, San Francisco, CA www.prn.com

Art Director from August 1997 to August 2000

Managed in-house design dept., various out-of-house designers and service bureaus as needed. Managed digital graphics for major retailers' in-store interactive systems within strict deadlines. Recommended broadband and narrowband media types for E-commerce sites as well as providing Flash animations as narrowband content. Directed the design of in-store signage and user interface. Led the design and production of all printed marketing materials, program logos, and video graphics, both still and animated. Concepted and created storyboards of original programming, proposed advertising animations as well as created customized sales presentation boards.

PRI, San Francisco, CA www.ideas.org

Art Director and Webmaster from July 1995 to August 1997

Designed and produced all publications, including books, briefings, brochures, business cards, flyers, newsletters and invitations for this small publishing company/non-profit think tank. Art directed and assisted in the structural design of the Institute's web site in addition to bringing it's maintenance entirely in-house. Supervised service bureaus, printers and photographers.

Gump's, San Francisco, CA www.gumps.com

Advertising Coordinator from October 1989 to January 1995

Functioned as Director of Advertising and Art Director, solely responsible for all retail advertising including design and production of weekly print advertising. Created 1994 Corporate Gift product catalog and special events brochure. Assisted in the structural design of an interactive bridal/gift registry CD. Supervised service bureaus, printers and photographers. Responsible for financial planning, media planning and buying, art direction, photo styling, copy writing, design and production of all ads. Managed a half million dollar advertising budget. Planned a million dollar advertising budget for 1995. Other held positions within Gump's include Mail Order Administrative Assistant (1992-1993) and Advertising Administrative Assistant (1989-1993).

Education: San Francisco State University, Bachelor of Fine Arts, 1995

Academy of Art College, Fine Arts/Drawing & Painting, 1985-1987

Additional coursework: Adobe After Effects, Lightwave 3D, Director, Flash

Teaching Experience: Photoshop, QuarkXpress, Flash, Dreamweaver, Fireworks

Software/Hardware: Hand code HTML w/CGI and Java inserted, FTP, Flash, Dreamweaver, Fireworks, After Effects, Photoshop, Illustrator, QuarkXpress, Word, Excel, Powerpoint, WordPerfect, MAC and PC (NT) proficient.

BENICIA SUSTAINABILITY AND CLIMATE ACTION PLAN

WEBSITE REDESIGN PROJECT

Response to Request for Proposal

by Norma Fox

Approach

I suggest using Joomla CMS software (Content Management System) for the proposed website re-design. Joomla is fairly easy to learn and an excellent choice for a site that will have many individuals contributing content. Drupal is another good CMS software, but Joomla It is less difficult to learn and use than Drupal, yet still very full featured and flexible. Another choice would be Wordpress, but it is more limited in features and functionality.

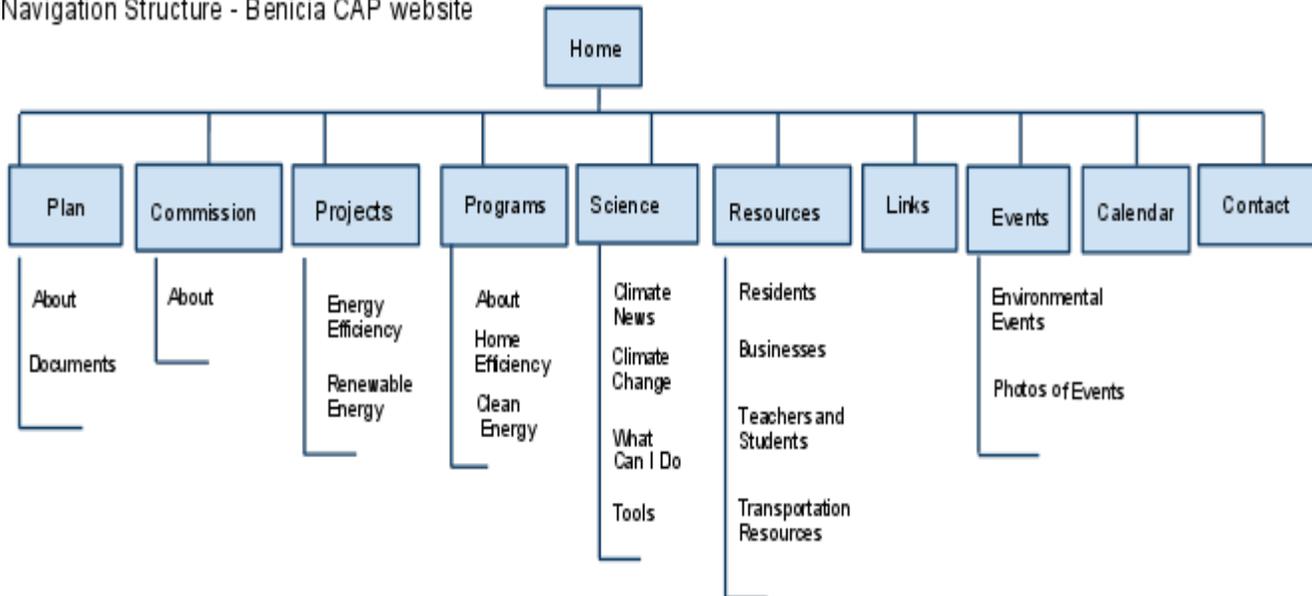
I have created a demo site framework using Joomla (and the “Enterprise” template) that you may try out online: <http://beniciaclimateactionplan1.cloudaccess.net/> (Also see Appendix)

The demo site is very incomplete and only a rough suggestion. I added only a few articles from your current website. The main purpose was to rearrange the navigation and content structure a bit, explore the template, and give you something online to try out. There are hundreds of other templates, as well as many other design possibilities with this template..

This template has a modern, crisp, clean look. Full page width or adjustable fixed widths, many modular position arrangements for areas of content, good options for color accents in modules, attractive fonts and headings, compatible with major browsers and mobile devices.

The Menu Navigation below corresponds to my suggested Content Structure (Sections & Categories):

Navigation Structure - Benicia CAP website



Suggestions for the Home Page:

Header:

Header Image: Add full width image just below the top menu, with text overlay:

Main overlay text: *Benicia Climate Action Plan*

Possible tag line overlay text: *Building a Sustainable Future for Benicia*

Header can appear on all pages or only on home page

Add Search box, at top of page. Also breadcrumbs navigation aid at top of content area.

Add short welcome message explaining purpose of site.

Menu:

Menu does not necessarily have to correspond to content structure

Can add short line of descriptive text under each menu item title

Can add multiple layer drop down menu items under top level menu items

Can insert modules into menu items (such as drop down login form)

Wide center column (body content):

On my demo site, I used the default arrangement for the home page, that is the body position uses the “front page” blog format which displays changing featured articles that are also displayed in other sections of the site. However, the content of the home page body position could also be just a static web page format. It could also span the entire page, rather than just the middle column.

Left Column modules (boxes of text, graphics, specialized functions) Recommend the left column modules to appear on all pages:

Secondary Menus:

Additional menu items pointing to featured content area (Community Resources section).

What Can I Do box:

Image of parent and child in nature; Caption description; and “Read More” link pointing to What Can I Do section.

Email Sign up box:

“Get the latest news about climate action developments in Benicia”

Community Events box:

Link text: “Community events” points to articles about upcoming (and past) events that are posted in Community Events section.

Link text: “Photos of past events” points to photos of past events that are posted in Photo section.

Right Column modules - Recommend the right column modules appear only on home page. (Modules can also be embedded in article content in body of any page, not restricted only to surrounding module positions):

Sea Level Rise box:

Image: Aerial view image of Benicia with 16” rise in sea level; Caption description, and “Read More” link pointing to Climate Change section.

Climate News box:

show small image and link to video (KQED - Calif. at Tipping Point). With text caption, and Read More link, pointing to Climate News section and embedded video.

Login Form box:

Login form for content contributors. (Other options for Login form could just be a simple link on home page pointing to a Login Form on a different page.)

Footer:

Add link to Sitemap in footer, as well as any other information you may wish. Should also add text menu links in footer as well. [This includes creation of Sitemap page]

Qualifications

Websites

I have been the webmaster for a Unity center in Walnut Creek for eleven years:

<http://unitycenter.net>

Over that time I have expanded the site to multiple sections, several hundred pages, including audio/ video, live broadcast streaming, forms, calendar, and other special functions. Because they are shorthanded, and the center is run by many volunteers, I often research and gather content for the site myself, and write the content for many of the pages. I've also done a lot of SEO and web publicity for the site.

In 2007 I converted the entire site from a desktop software to a web based software, in order to make it easier for volunteers to assist with the site updates among other reasons. Since that time I have trained several volunteers (often over the phone and email) on how to use the software to update content.

I am currently preparing for another full site conversion later this year. We will be converting the site to a web based system utilizing the Drupal content management software.

I also developed several small auxiliary sites for Unity:

Weddings: <http://www.walnutcreekweddings.com/>

Memorials: <http://walnutcreekmemorials.com/>

Life Coaching: <http://www.unitycenter.net/newthoughtlifecoaching/>

Unity blog: <http://unitycenterwalnutcreek.blogspot.com/>

In July 2010 I did a search engine optimization (SEO) project on a Joomla based real estate website:

<http://www.rossmoorlifestyles.com/>

This project involved a lot of back end code changes to improve SEO, but also a bit of troubleshooting and a bit of front end content and design changes too.

In Sept. 2009, I developed and managed a Wordpress website/blog for Dan Smith, who was running for Benicia City Council. <http://dansmithforbenicia.wordpress.com/>

Here are some simple blogs that I set up and maintain:

<http://elizabethpatterson.blogspot.com/>

<http://beniciadayhikers.blogspot.com>

<http://sustainablebenicia.blogspot.com/>

Although I haven't been pursuing it as a dedicated sideline business, I've set up several small websites over the years for individuals, mostly using Frontpage or Dreamweaver, but they've all been taken down by now.

Climate Change, Sustainability

I have been supporting local Benicia activities aimed at reducing GHG emissions and improving sustainability since about 2006. My involvement with the Benicia First group (a group opposed to a plan for the Seeno Business Park that would have produced a massive increase in GHG) included setting up and maintaining a website and a blog for Benicia First, organizing guest speaker events, and participating in research and commentary on EIR reports. I assisted the Green Gateway group in the research and production of an in-depth and visionary report proposal for a green and sustainable Benicia business park, as an alternative to the proposed Seeno project.

In 2009, as a member of the citizen's planning group that designed the proposal for the Benicia Community Sustainability Commission, I attended planning meetings, set up a Googlegroup email listserv, and helped develop the vision/mission/goals statement.

All this is to say that I do have a storehouse of knowledge and files about climate change, sustainability, and how those issues impact us locally in Benicia. This background may not be that useful if your only need is for someone to set up a framework for your website and nothing more. But if you find you have a need for someone to assist in an ongoing way with content development for the site, as well as training, administrative/editorial oversight, SEO and web publicity, and troubleshooting (on an as-needed basis), then my particular background may provide important added value.

Scope of Work

Per the project requirements and assigned task description: "To redevelop Climate Action Plan website. The consultant shall develop a revised website utilizing content management software (CMS) *that includes a landing page and framework for the website*. *The landing page shall incorporate a top level menu with various specific content items, and specific functionalities* (photo album, calendar, contact form, admin login, newsletter sign up). *The website content shall be provided and updated by the City.*"

- **Inquiry Meeting:** Show samples, discuss approach, process, work plan, qualifications. Review content and graphics to be provided, and desired features, functions, and design elements. Discuss main content navigation sections.
- **Needs Assessment:** Conduct needs assessment with stakeholders -- Staff, Commission members, *and your potential audience*. Define purpose of site, intended outcome, key goals, and key message. Then determine whether the current site content matches those needs and goals, and *what sort of additional content, graphics, and functionality may be needed*. [Based on the requested new features in RFP, I will assume this needs assessment has been completed.]
- **Research similar websites:** Research other Sustainability/Climate Action websites and make list of useful ideas and content on their sites. [Due to my long standing interest in this subject, I have already done this research.]
- **Key word research:** Develop keyword list (words and phrases to be emphasized in content articles, and metadata about those articles, in order to improve search results in search engines)
- **Research software:** determine best choices for software, add-ons, and templates
- **Develop Site Plan:**
 - Specify any additional content, graphics, and functionality needed for the site (based on client request and needs assessment/ website research) Also, what parts of current website should be eliminated or modified.
 - Provide keyword list (specify where and how keywords should be used)
 - Provide diagram of navigation system and content architecture
 - Specify software and add-on extensions
 - Provide two sample template designs and page structures
 - Provide budget with itemized project development steps and timeline

Suggest process after completion of assigned task

- **Obtain approval for Site Plan:** Make revisions to plan as necessary
- **Gather content and graphics:** Only as necessary for home page and backbone pages for each menu item. Most content can be copied from current site. Get stock photo account if need.

CREATE FRAMEWORK, LANDING PAGE, MENUS, FUNCTIONS

- **Host and software:** Take action as needed to resolve any issues relating to domain name, web host, and installation of CMS software on host server. [I will assume no action needed here.]
- **Install template and extentions:** Install chosen template and add-ons to CMS software
- **Create Sections and Categories** for content structure.
- **Create a backbone of content articles** for each menu item, utilizing key word list to optimize content and metadata for SEO (search engine optimization). Set parameters for articles. [Given the menu structure of my demo site, this would require a minimum of approximately 18 articles.]
- **Create home page** with custom header image, main menu items and drop down sub menu items, and modules for side bar menu(s), newsletter sign up, Login form, etc. Link menu items and modules to content articles. Create article content for home page body position.
- **Create special function pages** and plugin apps: photo album, calendar, contact form, Sitemap, search box, and breadcrumbs. Link the special function pages to menu items.
- **Set up site users** and access permissions (for user's to login and create content)
- **Obtain approval for draft site:** Make revisions as necessary
- **Point domain name to new site:** After the site is populated with a sufficient backbone of keyword-rich articles and graphics for each menu item, it's time to point the DNS name server away from the old site to the new site.
- **Search Engines/ SEO:** It is advisable at the same time to insert code for Google Webmaster Tools, and Google Analytics, and to submit a sitemap.xml file to search engines (making sure first that you have keyword-rich SEF URLs (search engine friendly) for all pages, and SEO page titles and metadata specific to each article). Create 301 redirects for old page URLs.

----- **This is completion of project requirements as I understand them, including some extras that were not specifically mentioned in the RFP, but which I consider to be fundamental requirements for a successful and quality site.** -----

NEXT STEPS: Follow Up Assistance

I would like to offer my services to be of assistance in the following areas:

IF NEEDED... **train staff** on how to: (1) enter content into articles and modules, format content, assign articles to sections and categories, or to "front page"; create effective keyword titles and metadata; make sure you have SEF friendly URLs (search engine friendly); (2) crop, resize, and enhance photos in photo editing software, upload them to website image database, and insert them into articles and modules (with alt-text and captions); (3) upload event photos to photo album(s); (4) manage the calendar; (5) create new sections or categories for content; (6) create new menu items, or new menus and modules; etc.

IF NEEDED... **Create a User's Manual** illustrating the above tasks.

RECOMMENDED TO ENHANCE SITE TRAFFIC:

- Add an RSS subscribe icon on the various category blog pages so that when a new article is added to that category, it will be delivered to a subscriber's news reader or email.
- Add icons for sharing articles on social networking sites (Facebook, Twitter, bookmarking sites, etc.)
- Set up Facebook Fan page and Twitter account. Add icons for readers to join.
- Add a News Feed page: receive automatic news feeds on climate change topics from reliable sites.
- Add user survey/poll for feedback on how to improve site
- Add blog page with a discussion topic, and invite public comments and discussion
- **Add a Blog page with weekly article posts** on timely climate change topics. Blogs with frequent posts are a highly recommended means to increase return visitors and improve search engine page rank. [I have years of research and a passion for these topics.]

SITE MAINTENANCE: Hourly basis as needed or set hours per month

- Update fresh content (blog posts, or regular website articles, graphics, documents, video, powerpoint, photo album, calendar)
- Create new sections, categories, pages, menus, modules, plugins, layout design changes
- Trouble shooting, and refresher training

SITE TRAFFIC ANALYSIS:

Monitor Google Analytics statistical data, and provide periodic reports on trends, and suggested changes to improve site traffic.

PART 2: Publicity

Creating a website is Part 1; publicizing it is Part 2. There's a saying: "Why build a website if no one can find it? A website without marketing is like a billboard in the desert." Since your goal is to inform and educate residents, it would be advisable to establish a systematic web based publicity campaign to increase your visibility so that residents actually discover your site and drop in for a visit.

One objective of web publicity activities is to do things that will increase your page rank in the search engines, so that your site will appear on the first page of search results. Another objective is to do things that will help visitors discover your site in other ways on the web, beyond the search engines.

Web based publicity could include any or all of the following, and more:

Listings in online major directories (Yahoo, Dmoz), local directories, industry-specific directories; link building with related organizations; press release to online newspapers (Benicia Patch) and news updates to subject related websites/blogs; articles in eZines; posts and interaction on Facebook Fan page (linking to website); Twitter posts and interaction (linking to website); list events in online event calendars and Facebook events; pay per click ads on Google, Yahoo, Facebook.

Proposed Budget

(see Scope of Work for details)

Task	Est. Hours	Cost
Inquiry meeting	1	0
Research similar websites / audience needs assessment (already done)	0	0
Keyword research / develop keyword list	8-16	400
Research appropriate software, add-ons, templates	16-20	800
Check in meeting (results of research; est. time & costs)	1-2	50
Develop site plan report (incl. 2 template designs; timeline & budget)	16	800
Meet to approve site plan	1-2	50
Gather content and graphics (provided by site owner)	0	0
Install template and add-ons to CMS software on host server	2-6	100
Create sections and categories for content structure	8-10	400
Create backbone of articles & graphics; set parameters, keywords, metadata	4-16	200
Create main menu items for content; link menu items to articles	1-2	50
Create home page with custom header image, body content	10-20	500
Create modules for home page; insert content, graphics, function apps, links	10-20	500
Create special function pages and link to menu items	10-20	500
Check-ins, status updates, calls, emails	4-8	200
Set up users and access permissions	1-2	50
Meet to approve draft site	1-2	50
Revisions, additional plug-ins	8-20	400
Point domain name to new site	1-2	50
Insert code for SEO tools; submit sitemap.xml; page 301 redirects	.4-8	200
TOTAL:	100-200	\$5,000

Estimated Completion Date: April 30, 2011 (starting March 16) (could start sooner)

References

David McArthur	925-457-1068	david@unitycenter.net	http://www.unitycenter.net
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Susan Galvan	925-989-1078	susan.e.galvan@sbcglobal.net	http://www.walnutcreekweddings.com/ http://www.walnutcreekmemorials.com/
Shanti Haydon	925-948-5636	shanti.haydon@gmail.com	http://www.rossmoorlifestyles.com
Dan Smith	707-373-8192	smithdandy@aol.com	http://dansmithforbenicia.wordpress.com/
Elizabeth Patterson	707-590-3536	elopato@comcast.net	http://elizabethpatterson.blogspot.com/

<http://beniciacimateactionplan1.cloudaccess.net/>

Home | Plan | Commission | Projects | Programs | Science | Resources | Links | Events | Calendar | Contact

Welcome to Benicia Climate Action Plan

[Latest News](#)
 Sustainable Transportation Solutions
 Earth Day 2011

[Climate Action Plan](#)
 Read the Climate Action Plan

[Sustainability Commission](#)
 Read about our Commission

Search [Search](#)

Community Resources

- Residents
- Businesses
- Teachers
- Transportation

Home

Welcome to Benicia's Climate Action website

This site is the City of Benicia's community portal for climate protection planning, greenhouse gas reduction strategies, and sustainability initiatives.

Home Efficiency Program



Lower your home's carbon footprint with a City-subsidized efficiency program! The City of Benicia, in conjunction with energy experts Innovations and the Benicia High School Students for the Advancement of Global Entrepreneurship team (SAGE) will provide subsidized in-home energy and water assessments to participating homes, including a report that prioritizes the most cost-effective upgrades, some free instant upgrades, and an outline of larger energy-saving purchases and home improvements. All Benicia residents are eligible. Visit www.Benicia.gov/ClimateChange to add your name to the interest list and learn more about the program.

CaliforniaFIRST



The City of Benicia is pleased to be a pilot City of the CaliforniaFIRST property assessed clean energy program (PACE). The program allows all property owners (residential, commercial, industrial, etc) to finance energy efficiency, renewable energy and water conservation upgrades on individual properties through their annual tax assessment, rather than through a personal loan.

The PACE concept provides up-front capital to fund efficiency and renewable energy upgrades that will reduce monthly energy bills to such a degree that the additional annual tax assessment will be offset. This means that the debt will run with the property, not with the owner.

[Read More](#)

Climate Action Plan available for download



The final version of the [Climate Action Plan](#) is now available to download! It incorporates comments received during the adoption process, per the [Comment Summary Table](#). Printed versions of the plan will be available at the Public Works and Community Development Department beginning on Monday, December 13th.

Comments received during the adoption process (through 9/15/2009) were compiled along with a staff response into the [Comment Summary Table](#).

[Read More](#)

Sea Level Rise in Benicia



[16 inches can do a lot of damage](#)
Read More about the [science of climate change](#).

California Climate Change



California at a Tipping Point
Explore the environmental changes taking place throughout the State.
[Watch Video](#)
[Read more Climate News](#)

Login Form

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What Can I Do



Learn what you can do to help reverse climate change.
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Sign up for our email newsletter today!

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Community Events

[Community events](#)
[History of past events](#)

**AGENDA ITEM
CITY COUNCIL MEETING DATE - APRIL 19, 2011
ACTION ITEM**

DATE : April 12, 2011
TO : City Council
FROM : City Attorney
SUBJECT : **AMENDING THE CITY COUNCIL RULES OF PROCEDURE**

RECOMMENDATION:

Adopt the resolution approving amendments to the City Council Rules of Procedure.

EXECUTIVE SUMMARY:

At the January 25, 2011 City Council meeting, the Council reviewed its Rules of Procedure and the process of putting items on the Council agenda. As a result of the discussion, changes were proposed to the Rules. The attached document incorporates those changes.

BUDGET INFORMATION:

There is no fiscal impact.

BACKGROUND:

The City Council previously identified a number of topics related to the Council's Rules of Procedure to revisit and discuss further, including:

- How the agenda is developed
- Format for special vs. regular meetings
- Order of agenda headings
- General rules for conducting meetings:
 - o For example, Vice Mayor Schwartzman's previous request to discuss a council member's right to sufficient and uninterrupted floor time when asking questions, expressing opinions or developing arguments on the agenda topic at hand
- Incorporating the current Council legislative support/opposition process
- Under Hearing Procedures - it was recommended that this be modified the order of presentation section to include the public
- Under Boards and Committees, Removal of Members - it is recommended that this section be updated to conform with the applicable ordinance

A number of Rules of Procedures documents from other cities were included for the Council's review and reference, including the City of Benicia's current City Council Rules of Procedure. At the January 25, 2011 City Council study, the Council directed staff to:

- ❑ Differentiate between meeting types and provide the format for special vs. regular meetings (See page 4 of the Clean Copy)
- ❑ Elaborate on how the agenda is developed (See page 5 of the Clean Copy)
- ❑ Clarify the two-step process and its relationship to the Policy Calendar (See page 5 and 6 of the Clean Copy)
- ❑ Specify the order of agenda headings (See page 7 for regular meeting agendas and page 8 for special agenda meetings)
- ❑ Incorporate the current Council legislative support/opposition process (See page 5 of the Clean Copy)
- ❑ Under Hearing Procedures - it was recommended that this be modified to include the public (See page 11 of the Clean Copy)
- ❑ Under Boards and Committees, Appointment of Members - this section was updated to conform with the applicable resolution (See page 12 of the Clean Copy)

Attachments:

- ❑ Resolution
- ❑ Rules of Procedure CLEAN COPY
- ❑ Rules of Procedure REDLINE

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING THE RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS

WHEREAS, the City Council of the City of Benicia desires to have all citizens fully participate in the proceedings of the City Council; and

WHEREAS, the City Council must consider many public matters which vitally affect the interest of the citizens of Benicia and it is both necessary and desirable that these meetings be regulated in order to permit the Council to give consideration and public discussion to the more important public issues; and

WHEREAS, it is the purpose of this resolution to provide for the orderly and expeditious conduct of Council meetings in a manner which will give adequate consideration and public discussion to all matters affecting the City; and

WHEREAS, Government Code Sections 36813 and 54954.3 give the City Council discretion to adopt reasonable regulations concerning the proceedings and order of business of City Council meetings.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Benicia as follows:

Section 1. The City Council of the City of Benicia approves and adopts the Rules of Procedure attached hereto as Exhibit "A" and by this reference incorporated herein.

Section 2. This resolution shall supersede any and all Rules of Procedure previously adopted by the City Council.

On motion of Council Member, seconded by Council Member, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 19th day of April, 2011, and adopted by the following vote:

Ayes:

Noes:

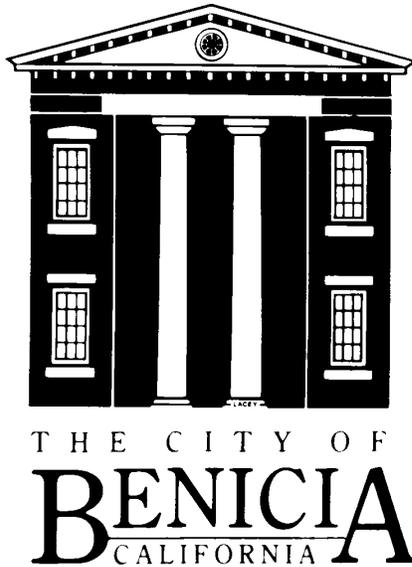
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

City Council Rules of Procedure



Created March 16, 2011

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I. MEETINGS.

A. REGULAR MEETINGS.

The City Council holds regular meetings on the first and third Tuesday of each month unless the meeting is cancelled. Regular meetings of the City Council are held in the City Council Chambers at City Hall unless the City Council Chambers are unavailable or inappropriate for the items proposed for the Council's agenda. The City Manager, in consultation with the Mayor, shall determine an alternative location if necessary.

B. SPECIAL MEETINGS.

The City Council holds special meetings as necessary. Special meetings are used for Closed Session items and for other items of business that require scheduling at a special meeting due to the need to take action prior to a regular meeting or that require a meeting devoted to the subject matter proposed for the meeting.

C. STUDY SESSIONS.

The purpose of a study session is to meet with staff and various people, Boards, Commissions and Committees to receive briefings and background information *and discuss policy issues and provide staff direction. The study session format allows* for general discussion of major or controversial items before formal City Council action is required. The fourth Tuesday of the month is reserved for study sessions. Additional dates for study sessions may be scheduled as necessary. Study sessions may be scheduled as regular, adjourned regular or special meetings. Presentations to the City Council will be made by staff members, consultants, representatives of the City's Boards, Commissions and Committees or of other public agencies, and/or by any other person expressly invited for that purpose. Public comment on the item under consideration is allowed. No motions will be offered and no formal action by the City Council will be taken at the study session. The study session allows the Council Members to ask questions and express personal opinions about the item under consideration.

D. CONDUCT AT MEETINGS.

In addition to complying with the Code of Conduct, City Council members shall refrain from electronic communications during a meeting in order to avoid potential Brown Act or due process issues.

E. ADJOURNMENT.

It is the desire of the City Council to adjourn their meetings by 11 p.m. Therefore, no new business will be taken up by the Council after 11 p.m. unless the City Council adopts a motion to continue. The remaining items will be placed on the next regularly

scheduled Council meeting in the appropriate section of the agenda, unless the City Council calls for a special meeting to consider one or more of the continued items.

II. AGENDAS.

A. PREPARATION.

The Mayor and the City Manager shall prepare an agenda for each meeting of the Council. Items to be included on the agenda must be submitted to the City Manager in writing by noon on the 9th working day preceding the regular meeting and on the 5th working day preceding a special meeting.

B. TWO-STEP PROCESS.

City Council Members may request that a policy matter be considered by the City Council using the Two-Step Process. A Council Member submits the Council Member Requested Agenda Item form (Appendix A) to the City Manager. The Council Member shall fill out the form as completely as possible and indicate a desired date for agendization of Step 1 and for Step 2. Once Step 1 is agendized, the City Council shall vote whether or not to pursue study or action on the policy matter. If there is interest by a majority of the City Council, the policy proposal shall be directed to the Policy Calendar Process for scheduling a study session (see Section II.E below) or to an upcoming agenda for action (Step 2). The Council Member submitting the request shall inform the Council if the item is time-sensitive.

C. LEGISLATIVE SUPPORT OR OPPOSITION.

The City Manager, or City Attorney in the case of legal issues, is authorized to provide support or opposition on legislative matters provided that the support or opposition is consistent with the position taken by the League of California Cities and/or the Solano City/County Coordinating Council (4 C's). Typically, copies of this correspondence will be sent to Council via email in advance of distribution. Should a Council Member have a question or concern, that member will then have the opportunity to contact the City Manager prior to distribution. Occasionally same-day requests from the League of California Cities for letters, emails or faxes expressing support or opposition are received, and in these instances, advance distribution to Council would not be feasible.

In those cases where no position has been taken by either the League or 4 C's, then the request shall be agendized for Council review and direction. If timing is such that the request cannot be agendized prior to the specified response date, then the draft response will be emailed to the City Council in advance of distribution. Should a Council member have a question or concern with the proposed response, that member may then contact the City Manager or City Attorney for clarification and/or to request that the item be agendized for discussion. All letters authorized by the Council shall be signed by the Mayor.

D. REVIEW OF ITEM CONSIDERED IN PREVIOUS YEAR.

City Council Members may request that the full City Council review a matter that has been decided in the last year by following the procedures set forth in Section II.B. A brief write-up of the matter and the date of last action must be included on the Council Member Requested Agenda Item form (Appendix A). The request for review will be placed in the appropriate section of the agenda.

E. POLICY CALENDAR PROCESS.

Council Members may request that a policy item be placed on a list of policy issues to be considered at a Quarterly Policy Issues Study Session Meeting. At this quarterly meeting, proposals are selected by majority vote of the Council for placement on the Policy Calendar.

At the quarterly meeting, the Council shall consider the following when deciding which policy proposals shall be calendared for Council consideration:

1. Time required for understanding by Council Members,
2. Time required for sufficient deliberation,
3. Time required for analysis and preparation of staff reports,
4. Time required for public understanding,
5. Council interest in subject,
6. Public interest in subject,
7. Conservation of staff time, and
8. Relationship to Council Priorities.

F. PLACEMENT OF AGENDA ITEMS.

The Mayor and City Manager shall consider whether an item is time-sensitive, likely to generate a large number of public speakers, or is controversial when determining the order of the agenda items. These items will be placed earlier on the agenda in the appropriate section of the agenda. Items that have been continued from a prior meeting shall also be placed earlier on the agenda in the appropriate section of the agenda.

G. AGENDA PACKETS.

The City Manager shall prepare and provide to each Council Member and the City Attorney, an agenda packet not later than the Thursday preceding each regular meeting or two working days preceding each special meeting. The City Manager shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to every person who has requested the same in writing during the preceding year, has provided stamped self-addressed envelopes and has paid the applicable fee, if the request is to receive the packet by mail. A paper copy of the agenda packet will be available for those persons so requesting at the time the agenda is posted or upon distribution to all, or a majority of, the Council Members upon payment of the applicable fee. To the extent feasible, the agenda packet shall be available on-line.

H. REGULAR AGENDA.

The regular meeting agenda shall consist of the following sections in order:

1. CALL TO ORDER.

2. CONVENE OPEN SESSION.

- Roll Call
- Pledge of Allegiance
- Reference to the Fundamental Rights of the Public

3. ANNOUNCEMENTS, APPOINTMENTS, PROCLAMATIONS/ PRESENTATIONS.

This section includes announcements by the Mayor, appointments to City boards and commissions, and scheduled presentations. Presentations are limited to a maximum of ten minutes to allow the Council to have adequate time to address the agenda items of business. Proclamations are made before presentations for public convenience.

4. ADOPTION OF AGENDA. The Council, by majority vote, shall adopt the agenda as final. Following such adoption, agenda items may not be added, removed or their order changed unless by the unanimous consent of the Council Members present at the time the agenda was adopted as final. All matters shall be considered by the Council in the order listed on the agenda adopted as final, to the extent of time available. Only matters on the agenda as adopted final or modified under this section may be considered. Agenda items not considered or completed at a meeting for lack of time become agenda items at the following meeting.

5. OPPORTUNITY FOR PUBLIC COMMENT.

a. Written: All written communications suitable for the agenda, received since the preparation of the subject agenda, addressed to or intended for the City Council and not otherwise included in the agenda, shall be listed in this section in the order received.

b. Public Comment: This section of the agenda is for members of the public to make comments to the City Council regarding non-agenda items of general interest to the citizens of Benicia in accordance with the procedures set forth in Section III below.

6. CONSENT CALENDAR. Items listed under the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from a Council Member, staff, or a member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar. Routine agenda items that are under \$50,000 and/or are already included in the budget may be listed under the Consent Calendar.

7. BUSINESS ITEMS. This section of the agenda is for the business items of the City Council including Public Hearings, appeals, and status or informational reports from staff and the Council. Council Member requests for future agenda items under the two-step, legislative or consideration of items heard in the last year will be agendized here.

8. ADJOURNMENT.

I. SPECIAL MEETING AGENDA.

A special meeting agenda shall consist of the following sections in order:

1. CALL TO ORDER.

2. CONVENE OPEN SESSION.

- Roll Call
- Pledge of Allegiance
- Reference to the Fundamental Rights of the Public

3. ADOPTION OF THE AGENDA. (if multiple items are on the agenda)

4. OPPORTUNITY FOR PUBLIC COMMENT.

a. Written: All written communications suitable for the agenda, received since the preparation of the subject agenda, addressed to or intended for the City Council and not otherwise included in the agenda, shall be listed in this section in the order received.

b. Public Comment: This section of the agenda is for members of the public to make comments to the City Council regarding non-agendized matters of general interest to the citizens of Benicia in accordance with the procedures set forth in Section III below.

5. BUSINESS ITEMS. This section of the agenda is for the City Council for the Closed Session, action items or study session matters.

6. ADJOURNMENT.

III. PUBLIC PARTICIPATION.

A. FUNDAMENTAL RIGHT.

The City Council promulgates these rules in recognition of the public's fundamental right to speak on agenda items for a meaningful amount of time.

B. RECOGNITION.

No person may address the Council without the permission of the Presiding Officer, or a majority of the quorum, or as otherwise required by law. Except as required by law, the Presiding Officer is obligated to recognize members of the Council and staff prior to opening up items for public comment.

C. ADDRESSING THE COUNCIL.

Those persons desiring to speak on an agendized matter or under Opportunity for Public Comment are requested to, but not required to, complete a Speaker's Card and present it to the City Clerk at the beginning of the meeting or upon their arrival in the Council Chambers. The Presiding Officer shall recognize speakers on an agendized matter, including Announcements, Appointments, Presentations, Proclamations, when that item is before the City Council for consideration.

The Presiding Officers shall recognize speakers on matters not on the agenda under the Opportunity for Public Comment portion of the agenda. Persons addressing the Council shall do so only at the speakers' rostrum and should begin, but are not required to do so, by stating their name and address for the records. All remarks shall be addressed to the Council as a body and not to any member thereof, or to staff, or the public.

No person shall be permitted to enter into any discussion without the permission of the Presiding Officer.

D. ACTION ON NON-AGENDIZED ITEMS.

Any item raised by a member of the public which is not agendized, but may require Council action, shall be automatically referred to the City Staff for investigation and disposition, unless the item requires action to be taken by the Council at the meeting during which it was raised and constitutes an emergency or the need to take such action arose after the posting of the agenda within the meaning of Government Code §54954.2(b). In either event the Council is entitled to discuss the matter before making the determination required under said Government Code provision, and if either finding is made, may take action thereon.

E. TIME LIMITS FOR PUBLIC COMMENT.

1. In order to allow the Council to have adequate time to address the agendized items of business, public comment under Opportunity for Public Comment will be limited to not more than five (5) minutes per speaker on non-agendized items. If a large number of the public desire to speak, the Council may agree to limit the time for each speaker to less than 5 minutes to allow the Council to address the agendized items of business.

2. The Presiding Officer may allow up to 10 minutes for a speaker to speak on multiple agenda items under Opportunity for Public Comment.

3. Each speaker shall speak only once on an agenda item and limit his/her remarks to not more than five (5) minutes when speaking at the time of the agenda item unless a shorter time is authorized by Council.

4. In accordance with the Open Government Ordinance and to promote time efficiency, the Presiding Officer may request spokespersons be designated to represent similar views. A designated spokesperson has 15 minutes to speak.

5. The time for speaking may be extended by the Presiding Officer with the consent of a majority of the Council.

6. Each speaker shall avoid repetition of the remarks of prior speakers and, when speaking at the time an agenda item is being considered, shall speak only to the specific agenda item under consideration.

7. Speakers may not concede any part of their allotted time to another speaker.

F. QUESTIONS.

Following each speaker's remarks, each Council Member shall be given the opportunity to comment further and to address questions to the speaker. The speaker may not be permitted or required to answer such questions if a majority of Council Members present other than the questioner object.

G. PRESENTATIONS SUBMITTED IN WRITING.

Persons who anticipate oral presentations exceeding the allowed time are encouraged to submit comments in writing at the earliest possible time, for distribution to the Council and other interested parties. Comments should be submitted at least one day in advance of the scheduled meeting date to insure distribution to the Council prior to the meeting.

H. POWER POINT PRESENTATIONS.

Members of the public may present a Power Point software presentation to the Council utilizing the City's audio/visual equipment, provided that the public make their request to the City Manager's 72 office hours in advance of the meeting in order to coordinate the use of the equipment.

IV. BUSINESS ITEM PROCEDURES.

A. ONE HOUR FOR HEARINGS.

Individual Business Items, including Public Hearings and appeals, should not exceed one hour in length. To assist with this goal, time limits for public speakers may be limited in accordance with Section III.E.

B. PUBLIC HEARING AND APPEALS PROCEDURES.

The procedures for Public Hearings and appeals are as follows:

1. Presentation by Staff.
2. Presentation by Proponent or Appellant.
3. Presentation by Opponent.
4. Rebuttal by the Proponent or Appellant.
5. The Presiding Officer shall recognize supplemental speakers as required by law or deemed appropriate to gather information relevant to the matter before the City Council. Supplemental speakers shall limit their remarks to presenting new information not already covered by other speakers, and must limit their presentation to five (5) minutes or the time established for speakers in accordance with Section III.E, if less.
6. Following the public portion of the hearing, the Presiding Officer shall declare the public portion of the hearing closed and the matter is then before the City Council for the Council portion of the hearing. Each Council Member shall be given an opportunity to speak to the subject without interruption. When the Council discussion has been concluded, the Council shall make its decision.
7. Spokespersons for the Proponent/Appellant and Opponent shall each have fifteen (15) minutes to present their case. The spokesperson for the Proponent/Appellant shall have five (5) minutes to present any rebuttal. Organized groups may choose a single spokesperson who may speak for the group. Speakers may not concede any part of their allotted time to another speaker.

V. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS.

A. CITIZEN COMMITTEES, BOARDS AND COMMISSIONS.

The Council may create committees, boards, and commissions to assist in the conduct of the operation of the City Government with such duties as the Council may specify, not inconsistent with the City Code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the City Code.

B. MEMBERSHIP SELECTION.

Pursuant to Resolution No. 10-99 and unless otherwise specified by state law or the City Code, appointments shall be made by the following procedure:

1. A two-member subcommittee appointed by the Mayor, which will rotate among council members with one new appointee each year, shall be appointed to interview applicants for all boards, commissions and committees, unless otherwise provided for by statute, ordinance or resolution. One member of the City Council subcommittee shall be appointed in January of each year and one member appointed in July of each year, each for a one year term.

2. Each term of the subcommittee will be filled by Council Members who did not serve on the committee during the prior term unless the Council Member is unable or unwilling to serve on the subcommittee.

3. The subcommittee shall recommend two to three applicants, in ranked order, to the Mayor for each vacancy and the Mayor shall make the appointments from the recommended applicants.

4. If none of the applicants are acceptable to the Mayor, the subcommittee shall recommend two additional applicants until an appointment is made by the Mayor, which shall be subject to final approval by the Council.

5. If, at any point during this process, only one qualified applicant is available, the subcommittee may choose to make a single recommendation.

6. If the subcommittee is unable to recommend applicants due to lack of qualified applicants, then the Mayor may elect to interview the available applicants and/or direct staff to conduct additional outreach efforts to fill the opening.

7. The names of the proposed appointees shall be posted five (5) working days prior to the appointment being made.

8. For appointments to a board or commission where state law provides for appointment by the Council as a whole, any Council member may nominate a person for appointment. The Council shall then vote on the nominee at the following Council meeting.

C. REMOVAL OF MEMBERS OF COMMITTEES, BOARDS AND COMMISSIONS.

The Council may remove any member of any committee, board or commission which it has created by an affirmative vote of at least four (4) members of the Council, if removal is not specified in the City Code.

VI. RULES OF ORDER.

A. QUORUM.

Three Council Members shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn meetings of the Board. If a quorum is not present within one hour after the time noticed for commencement of the meeting and thereafter any Council Member who was present at the end of such hour leaves and does not return, no meeting shall be held on that date notwithstanding the later presence of three (3) or more Council Members.

B. RIGHT TO THE FLOOR.

A Council Member shall not have the right to the floor without being recognized by the Presiding Officer, except upon a point of order. Council Members, including the Mayor, shall avoid interrupting any Member while speaking.

C. ORDINANCES, RESOLUTIONS AND MOTIONS – PRECEDENTS.

When any ordinance, resolution, or motion is properly brought before the Council and seconded by another Council Member, no other action shall be considered except a point of order, or a motion to adjourn, to table, to table to a time certain, to close debate, to refer or to amend. Such items shall have precedence in the order stated in the preceding sentence. Points of order shall be ruled upon by the Presiding Officer, provided that such ruling may be overridden by a majority of the Council. All of such motions, except motions to amend, shall be put to a vote without debate and decided by a majority. Any of the foregoing motions shall be in order at anytime the speaker is duly recognized, except when repeated without intervening business or discussion, or if made when the motion to close debate has been adopted or while a vote is being taken:

1. MOTION TO ADJOURN.

A motion to adjourn terminates the meeting.

2. MOTION TO TABLE.

If a motion to table (without time certain) passes, consideration of the matter may be resumed only upon the motion of a member who voted with the majority on the motion to table.

3. MOTION TO CLOSE DEBATE.

When a motion to close debate is duly made and seconded, there shall be no further debate. If the question carries, the Presiding Officer shall put pending amendments to a vote, without debate, in the inverse order of their introduction before putting the main question. If the question is decided negatively, the main question and its amendments remain before the Council.

4. MOTION TO REFER.

A motion to refer the matter sends the matter to a committee or staff for investigating or studying the proposal and reporting back. If the motion to refer fails, the main question and its amendments remain before the Council.

5. MOTION TO AMEND.

A motion to amend modifies or changes the motion that was being considered. If the motion to amend passes then the main motions should be voted on as amended.

6. DIVISION OF THE QUESTION.

If a matter properly put before the Council contains two or more separable propositions, the Presiding Officer may, with the consent of one other Council Member, divide the question into its separable parts for consideration in order.

7. RECONSIDERATION.

Providing that no intervening rights shall be prejudiced, any Council Member who voted with the majority on a question may move the reconsideration of that question at the same meeting in which the original decision was made or at the next following meeting. After a motion for reconsideration has been acted upon, no other similar motion shall be made without unanimous consent.

D. VOTING.

Unless otherwise required by applicable law, three affirmative votes are required to enact an ordinance, to adopt a resolution, or to adopt a motion granting a franchise or authorizing the payment or expenditure of money or incurring of a debt. The majority of a quorum is required to adopt other motions, unless otherwise required by applicable law. A "majority" refers to a majority of the quorum present. All matters shall be adopted by a roll call vote.

VII. STAFF SUPPORT.

Staff support for requests from individual council members shall be limited to 15 minutes of staff time. Research, report writing, compilation of materials, etc. in excess of 15 minutes shall not be undertaken unless approved by a majority of the City Council.

VIII. FAILURE TO OBSERVE RULES OR PROCEDURES.

The failure to observe any of the rules or procedures does not serve as an independent source of challenge to any decision or action of the City Council, nor does it serve as evidence of improper conduct in any challenge to any action by a City Council member or by the Council as a whole.

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM

Requested by: _____

Desired Initial Council Meeting Date: _____

Desired Date for Second Step or Policy Calendar Review: _____

Deadline for Action, if any: _____

Problem/Issue/Idea Name: _____

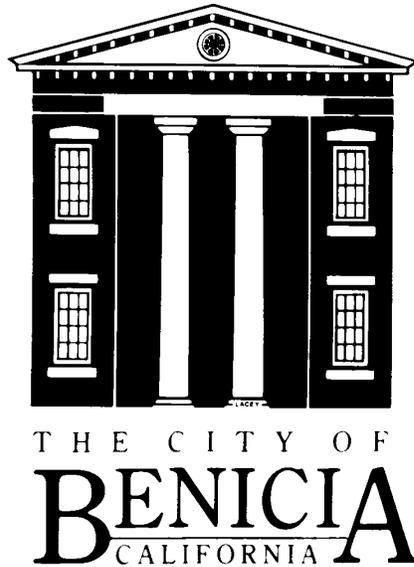
Description of Problem/Issue/Idea: _____

COUNCIL DIRECTION

- No Further Action
- Schedule for Second Step on _____
- Schedule for Policy Calendar Review on _____
- Refer to: Staff _____
 Commission _____
 Board _____
 Committee _____

Date Due: _____

City Council Rules of Procedure



Created March 16, 2011

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I. MEETINGS.

A. REGULAR MEETINGS.

The City Council holds regular meetings on the first and third Tuesday of each month unless the meeting is cancelled. Regular meetings of the City Council are held in the City Council Chambers at City Hall unless the City Council Chambers are unavailable or inappropriate for the items proposed for the Council's agenda. The City Manager, in consultation with the Mayor, shall determine an alternative location if necessary.

B. SPECIAL MEETINGS.

The City Council holds special meetings as necessary. Special meetings are used for Closed Session items and for other items of business that require scheduling at a special meeting due to the need to take action prior to a regular meeting or that require a meeting devoted to the subject matter proposed for the meeting.

C. STUDY SESSIONS.

The purpose of a study session is to meet with staff and various people, Boards, Commissions and Committees to receive briefings and background information. The study session format allows for general discussion of major or controversial items before formal City Council action is required. The fourth Tuesday of the month is reserved for study sessions. Additional dates for study sessions may be scheduled as necessary. Study sessions may be scheduled as regular, adjourned regular or special meetings. Presentations to the City Council will be made by staff members, consultants, representatives of the City's Boards, Commissions and Committees or of other public agencies, and/or by any other person expressly invited for that purpose. Public comment on the item under consideration is allowed. No motions will be offered and no formal action by the City Council will be taken at the study session. The study session allows the Council Members to ask questions and express personal opinions about the item under consideration.

D. CONDUCT AT MEETINGS.

In addition to complying with the Code of Conduct, City Council members shall refrain from electronic communications during a meeting in order to avoid potential Brown Act or due process issues.

E. ADJOURNMENT.

It is the desire of the City Council to adjourn their meetings by 11 p.m. Therefore, no new business will be taken up by the Council after 11 p.m. unless the City Council adopts a motion to continue. The remaining items will be placed on the next regularly scheduled Council meeting in the appropriate section of the agenda, unless the City

Council calls for a special meeting to consider one or more of the continued items.
(formerly section V.D.)

II. AGENDAS. (formerly Section I.)

A. PREPARATION.

The Mayor and the City Manager shall prepare an agenda for each meeting of the Council. Items to be included on the agenda must be submitted to the City Manager in writing by noon on the 7⁹th working day preceding the regular meeting and on the 5th working day preceding a special meeting. ~~Any Council Member may request that a new item be placed on the agenda. Items shall be placed on the agenda in their appropriate section with the item title specified by the requesting Council Member.~~ (formerly section I.B.1.)

~~To place a review of a matter decided in the last year on a future agenda requires three affirmative votes. See 1.B.2 below.~~

B. TWO-STEP PROCESS.

City Council Members may request that a policy matter be considered by the City Council using the Two-Step Process. A Council Member submits the Council Member Requested Agenda Item form (Appendix A) to the City Manager. The Council Member shall fill out the form as completely as possible and indicate a desired date for agendization of Step 1 and for Step 2. Once Step 1 is agendized, the City Council shall vote whether or not to pursue study or action on the policy matter. If there is interest by a majority of the City Council, the policy proposal shall be directed to the Policy Calendar Process for scheduling a study session (see Section II.E below) or to an upcoming agenda for action (Step 2). The Council Member submitting the request shall inform the Council if the item is time-sensitive.

C. LEGISLATIVE SUPPORT OR OPPOSITION.

The City Manager, or City Attorney in the case of legal issues, is authorized to provide support or opposition on legislative matters provided that the support or opposition is consistent with the position taken by the League of California Cities and/or the Solano City/County Coordinating Council (4 C's). Typically, copies of this correspondence will be sent to Council via email in advance of distribution. Should a Council Member have a question or concern, that member will then have the opportunity to contact the City Manager prior to distribution. Occasionally same-day requests from the League of California Cities for letters, emails or faxes expressing support or opposition are received, and in these instances, advance distribution to Council would not be feasible.

In those cases where no position has been taken by either the League or 4 C's, then the request shall be agendized for Council review and direction. If timing is such that the

request cannot be agendaized prior to the specified response date, then the draft response will be emailed to the City Council in advance of distribution. Should a Council member have a question or concern with the proposed response, that member may then contact the City Manager or City Attorney for clarification and/or to request that the item be agendaized for discussion. All letters authorized by the Council shall be signed by the Mayor.

D. REVIEW OF ITEM CONSIDERED IN PREVIOUS YEAR.

City Council Members may request that the full City Council review a matter that has been decided in the last year by following the procedures set forth in ~~1.B.1. above~~ Section II.B. A brief write-up of the matter and the date of last action must be included on the Council Member Requested Agenda Item for Policy Consideration form (Appendix A). The request for a review will be placed ~~on the agenda in Section 11 as appropriate~~ in the appropriate section of the agenda. (formerly section I.B.2.)

~~I.B.3. The City Manager will inform the council and public of the tentative, upcoming issues on the next council agenda on the afternoon of the 5th working day preceding the regular meeting.~~

E. POLICY CALENDAR PROCESS.

Council Members may request that a policy item be placed on a list of policy issues to be considered at a Quarterly Policy Issues Study Session Meeting. At this quarterly meeting, proposals are selected by majority vote of the Council for placement on the Policy Calendar.

At the quarterly meeting, the Council shall consider the following when deciding which policy proposals shall be calendared for Council consideration:

1. Time required for understanding by Council Members,
2. Time required for sufficient deliberation,
3. Time required for analysis and preparation of staff reports,
4. Time required for public understanding,
5. Council interest in subject,
6. Public interest in subject,
7. Conservation of staff time, and
8. Relationship to Council Priorities.

F. PLACEMENT OF AGENDA ITEMS.

The Mayor and City Manager shall consider whether an item is time-sensitive, likely to generate a large number of public speakers, or is controversial when determining the order of the agenda items. These items will be placed earlier on the agenda in the appropriate section of the agenda. Items that have been continued from a prior meeting shall also be placed earlier on the agenda in the appropriate section of the agenda.

G. AGENDA PACKETS.

The City Manager shall prepare and provide to each Council Member and the City Attorney, an agenda packet not later than the Wednesday Thursday preceding each regular meeting or two working days preceding each special meeting. The City Manager shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to every person who has requested the same in writing during the preceding year, has provided stamped self-addressed envelopes and has paid the applicable fee, if the request is to receive the packet by mail. A paper copy of the agenda packet will be available for those persons so requesting at the time the agenda is posted or upon distribution to all, or a majority of, the Council Members upon payment of the applicable fee. To the extent feasible, the agenda packet shall be available on-line. (formerly section I.B.4)

H. REGULAR AGENDA. (formerly I.A. SECTIONS)

The regular meeting agenda shall consist of the following sections in order:

1. CALL TO ORDER.

~~Announcement of Closed Session (If Any)~~

~~2. CLOSED SESSION (If Any)~~

2. CONVENE OPEN SESSION.

- Roll Call
- Pledge of Allegiance
- Reference to the Fundamental Rights of the Public
(formerly section I.A.3)

3. ANNOUNCEMENTS, APPOINTMENTS, PROCLAMATIONS/PRESENTATIONS/~~PROCLAMATIONS~~. This section includes announcements by the Mayor, appointments to City boards and commissions, and scheduled presentations. Presentations are limited to a maximum of ten minutes to allow the Council to have adequate time to address the agendized items of business. Proclamations are made before presentations for public convenience.
(formerly section I.A.4)

4. ADOPTION OF AGENDA. The Council, by majority vote, shall adopt the agenda as final. Following such adoption, agenda items may not be added, removed or their order changed unless by the unanimous consent of the Council Members present at the time the agenda was adopted as final. All matters shall be considered by the Council in the order listed on the agenda adopted as final, to the extent of time available. Only matters on the agenda as adopted final or modified under this section may be considered. Agenda items not considered or completed at a

meeting for lack of time become agenda items at the following meeting ~~in accordance with Section 5.~~ (formerly section I.A.5)

5. OPPORTUNITY FOR PUBLIC COMMENT.

a. Written: All written communications suitable for the agenda, received since the preparation of the subject agenda, addressed to or intended for the City Council and not otherwise included in the agenda, shall be listed in this section in the order received. (formerly section I.A.6(a))

b. Public Comment: This section of the agenda is for members of the public to make comments to the City Council regarding non-agendized matters of general interest to the citizens of Benicia, ~~provided, however, that:~~ in accordance with the procedures set forth in Section III below. (formerly section I.A.6(b)(1))

6. CONSENT CALENDAR. Items listed under the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from a Council Member, staff, or a member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar. Routine agenda items that are under \$50,000 and/or are already included in the budget may be listed under the Consent Calendar. (formerly section I.A.7.)

~~I.A.8. PUBLIC HEARINGS~~

~~—This section of the agenda is for the City Council to conduct Public Hearings and to hear properly noticed appeals.~~

7. BUSINESS ITEMS. This section of the agenda is for the business items of the City Council including Public Hearings, appeals, and status or informational reports from staff and the Council. Council Member requests for future agenda items under the two-step, legislative or consideration of items heard in the last year will be agendized here. (formerly sections I.A.9-11.)

~~I.A.9. ACTION ITEMS. Items listed in this section are those which are likely to require discussion prior to Council action. Routine agenda items that are under \$50,000 and/or are already included in the budget may still be listed under the Consent Calendar.~~

~~I.A.10. INFORMATIONAL ITEMS. Items in this section may include status reports on a variety of topics. For examples, City Manager Reports are to be placed under this heading. Items listed in this section are typically for information only and may not require action.~~

~~I.A.11. COUNCIL MEMBER REPORTS. This section contains reports from council Members. It also provides an opportunity on the agenda for Council Members to make requests for future agenda items.~~

8. ADJOURNMENT.
(formerly section I.A.12.)

I. SPECIAL MEETING AGENDA.

A special meeting agenda shall consist of the following sections in order:

1. CALL TO ORDER.

2. CONVENE OPEN SESSION.

- Roll Call
- Pledge of Allegiance
- Reference to the Fundamental Rights of the Public

3. ADOPTION OF THE AGENDA. (if multiple items are on the agenda)

4. OPPORTUNITY FOR PUBLIC COMMENT.

a. Written: All written communications suitable for the agenda, received since the preparation of the subject agenda, addressed to or intended for the City Council and not otherwise included in the agenda, shall be listed in this section in the order received.

b. Public Comment: This section of the agenda is for members of the public to make comments to the City Council regarding non-agendized matters of general interest to the citizens of Benicia in accordance with the procedures set forth in Section III below.

5. BUSINESS ITEMS. This section of the agenda is for the City Council for the Closed Session, action items or study session matters.

6. ADJOURNMENT.

III. PUBLIC PARTICIPATION.

(formerly Section II.)

A. FUNDAMENTAL RIGHT.

The City Council promulgates these rules in recognition of the public's fundamental right to speak on agenda items for a meaningful amount of time.

B. RECOGNITION.

No person may address the Council without the permission of the Presiding Officer, or a majority of the quorum, or as otherwise required by law. Except as required by law, the

Presiding Officer is obligated to recognize members of the Council and staff prior to opening up items for public comment. (formerly section II.A.)

C. ADDRESSING THE COUNCIL.

Those persons desiring to speak on an agendized matter, ~~on a Public Hearing agenda item,~~ or under Opportunity for Public Comment are requested to, but not required to, complete a Speaker's Card and present it to the City Clerk at the beginning of the meeting or upon their arrival in the Council Chambers. The Presiding Officer shall recognize speakers on an agendized matter, including Announcements, Appointments, Presentations, Proclamations, when that item is before the City Council for consideration. ~~(This included any comments pertaining to the Announcements/Appointments/ Presentations/Proclamations sections of the agenda.)~~

The Presiding Officers shall recognize speakers on matters not on the agenda under the Opportunity for Public Comment portion of the agenda. Persons addressing the Council shall do so only at the speakers' rostrum and should begin, but are not required to do so, by stating their name and address for the records. All remarks shall be addressed to the Council as a body and not to any member thereof, or to staff, or the public.

No person ~~other than a member of the Council, the City Manager, or the City Attorney and the person having the floor,~~ shall be permitted to enter into any discussion without the permission of the Presiding Officer. (formerly section II.B.)

D. ACTION ON NON-AGENDIZED ITEMS.

Any item raised by a member of the public which is not agendized, but may require Council action, shall be automatically referred to the City Staff for investigation and disposition, unless the item requires action to be taken by the Council at the meeting during which it was raised and constitutes an emergency or the need to take such action arose after the posting of the agenda within the meaning of Government Code §54954.2(b). In either event the Council is entitled to discuss the matter before making the determination required under said Government Code provision, and if either finding is made, may take action thereon. (formerly section I.A.6(b)(1))

E. TIME LIMITS FOR PUBLIC COMMENT. (formerly section II.C.)

1. In order to allow the Council to have adequate time to address the agendized items of business, public comment under Opportunity for Public Comment will be limited to not more than five (5) minutes per speaker on non-agendized items. If a large number of the public desire to speak, the Council may agree to limit the time for each speaker to less than 5 minutes to allow the Council to address the agendized items of business. (formerly section I.A.6(b)(2))

2. The Presiding Officer may allow up to 10 minutes for a speaker to speak on multiple agenda items under Opportunity for Public Comment. (formerly section I.A.6(b)(3))

~~I.A.6(b)(4) All public comments are also subject to the provisions of Section II below.~~

3. Each speaker shall speak only once on an agenda item and limit his/her remarks to not more than five (5) minutes when speaking at the time of the agenda item ~~unless a shorter time is authorized by Council or when speaking on non-agendized items under Opportunity for Public Comment, except as otherwise specifically provided for in these rules or the Open government Ordinances, or except as time is extended by the Presiding Officer with the consent of a majority of the Council.~~ (formerly section II.C.)

4. In accordance with the Open Government Ordinance and to promote time efficiency, the Presiding Officer may request spokespersons be designated to represent similar views. ~~The time limits and order for speaking shall be in accordance with the provisions for Spokespersons in III.C. below. A designated spokesperson has 15 minutes to speak.~~ (formerly section II.C.)

5. The time for speaking may be extended by the Presiding Officer with the consent of a majority of the Council. (formerly section II.C.)

6. Each speaker shall avoid repetition of the remarks of prior speakers and, when speaking at the time an agenda item is being considered, shall speak only to the specific agenda item under consideration. (formerly section II.C.)

7. Speakers may not concede any part of their allotted time to another speaker.

F. QUESTIONS.

Following each speaker's remarks, each Council Member shall be given the opportunity to comment further and to address questions to the speaker. The speaker may not be permitted or required to answer such questions if a majority of Council Members present other than the questioner object. (formerly section II.D.)

G. PRESENTATIONS SUBMITTED IN WRITING.

Persons who anticipate oral presentations exceeding the allowed time are encouraged to submit comments in writing at the earliest possible time, for distribution to the Council and other interested parties. Comments should be submitted at least one day in advance of the scheduled meeting date to insure distribution to the Council prior to the meeting.

H. POWER POINT PRESENTATIONS.

Members of the public may present a Power Point software presentation to the Council utilizing the City's audio/visual equipment, provided that the public make their request to the City Manager's 72 office hours in advance of the meeting in order to coordinate the use of the equipment.

IV. BUSINESS ITEM PROCEDURES.

(formerly Section III. HEARING PROCEDURES)

A. ONE HOUR FOR HEARINGS.

Individual Business Items, including A Public Hearings and appeals, should not exceed one hour in length. To assist with this goal, time limits for public speakers may be limited in accordance with Section III.E. (formerly section III.A.)

B. PUBLIC HEARING AND APPEALS PROCEDURES.

The procedures for Public Hearings and appeals are as follows:

1. Presentation by Staff.
2. Presentation by Proponents or Appellant.
3. Presentation by Opponents.
4. Rebuttal by the Proponents or Appellant.
5. The Presiding Officer shall recognize supplemental speakers as required by law or deemed appropriate to gather information relevant to the matter before the City Council. Supplemental speakers shall limit their remarks to presenting new information not already covered by other speakers, and must limit their presentation to five (5) minutes or the time established for speakers in accordance with Section III.E, if less.
6. Following the public portion of the hearing, the Presiding Officer shall declare the public portion of the hearing closed and the matter is then before the City Council for the Council portion of the hearing. Each Council Member shall be given an opportunity to speak to the subject without interruption. When the Council discussion has been concluded, the Council shall make its decision. (formerly section III.B.)
7. Spokespersons for the Proponent/Appellant and Opponent shall each have fifteen (15) minutes to present their case. The spokesperson for the Proponent/Appellant shall have five (5) minutes to present any rebuttal. Organized groups may choose a single spokesperson who may speak for the group. Speakers may not concede any part of their allotted time to another speaker. (formerly section III.C.)

V. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS.

(formerly Section IV.)

A. CITIZEN COMMITTEES, BOARDS AND COMMISSIONS.

The Council may create committees, boards, and commissions to assist in the conduct of the operation of the City Government with such duties as the Council may specify, not inconsistent with the City Code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the City Code. (formerly section IV.A.)

B. MEMBERSHIP SELECTION.

Pursuant to Resolution No. 10-99 and unless otherwise specified by state law or the City Code, appointments shall be made by the following procedure:

1. A two-member subcommittee appointed by the Mayor, which will rotate among council members with one new appointee each year, shall be appointed to interview applicants for all boards, commissions and committees, unless otherwise provided for by statute, ordinance or resolution. One member of the City Council subcommittee shall be appointed in January of each year and one member appointed in July of each year, each for a one year term.

2. Each term of the subcommittee will be filled by Council Members who did not serve on the committee during the prior term unless the Council Member is unable or unwilling to serve on the subcommittee.

3. The subcommittee shall recommend two to three applicants, in ranked order, to the Mayor for each vacancy and the Mayor shall make the appointments from the recommended applicants.

4. If none of the applicants are acceptable to the Mayor, the subcommittee shall recommend two additional applicants until an appointment is made by the Mayor, which shall be subject to final approval by the Council.

5. If, at any point during this process, only one qualified applicant is available, the subcommittee may choose to make a single recommendation.

6. If the subcommittee is unable to recommend applicants due to lack of qualified applicants, then the Mayor may elect to interview the available applicants and/or direct staff to conduct additional outreach efforts to fill the opening.

7. Membership and selection of members shall be as provided by the Council if not specified by the City Code. The names of the proposed appointees shall be posted five (5) working days prior to the appointment being made. (formerly section IV.B.1.)

8. For appointments to a board or commission where state law provides for appointment by the Council as a whole, any Council member may nominate a

person for appointment. The Council shall then vote on the nominee at the following Council meeting. (formerly section IV.B.2.)

C. REMOVAL OF MEMBERS OF COMMITTEES, BOARDS AND COMMISSIONS.

The Council may remove any member of any committee, board or commission which it has created by an affirmative vote of at least four (4) members of the Council, if removal is not specified in the City Code. (formerly section IV.C.)

VI. RULES OF ORDER. (formerly Section V.)

A. QUORUM.

Three Council Members shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn meetings of the Board. If a quorum is not present within one hour after the time noticed for commencement of the meeting and thereafter any Council Member who was present at the end of such hour leaves and does not return, no meeting shall be held on that date notwithstanding the later presence of three (3) or more Council Members. (formerly section V.A.)

B. RIGHT TO THE FLOOR.

A Council Member shall not have the right to the floor without being recognized by the Presiding Officer, except upon a point of order. Council Members, including the Mayor, shall avoid interrupting any Member while speaking. (formerly section V.B.)

C. ORDINANCES, RESOLUTIONS AND MOTIONS – PRECEDENTS.

When any ordinance, resolution, or motion is properly brought before the Council and seconded by another Council Member, no other action shall be considered except a point of order, or a motion to adjourn, to table, to table to a time certain, to close debate, to refer or to amend. Such items shall have precedence in the order stated in the preceding sentence. Points of order shall be ruled upon by the Presiding Officer, provided that such ruling may be overridden by a majority of the Council. All of such motions, except motions to amend, shall be put to a vote without debate and decided by a majority. Any of the foregoing motions shall be in order at anytime the speaker is duly recognized, except when repeated without intervening business or discussion, or if made when the motion to close debate has been adopted or while a vote is being taken: (formerly section V.C.)

1. MOTION TO ADJOURN. A motion to adjourn terminates the meeting.

2. MOTION TO TABLE.

If a motion to table (without time certain) passes, consideration of the matter may be resumed only upon the motion of a member who voted voting with the majority on the motion to table. (formerly section V.C.1.)

3. MOTION TO CLOSE DEBATE.

When a motion to close debate is duly made and seconded, there shall be no further debate. If the question carries, the Presiding Officer shall put pending amendments to a vote, without debate, in the inverse order of their introduction before putting the main question. If the question is decided negatively, the main question and its amendments remain before the Council. (formerly section V.C.2.)

4. MOTION TO REFER.

A motion to refer the matter sends the matter to a committee or staff for investigating or studying the proposal and reporting back. If the motion to refer fails, the main question and its amendments remain before the Council.

5. MOTION TO AMEND.

A motion to amend modifies or changes the motion that was being considered. If the motion to amend passes then the main motions should be voted on as amended.

6. DIVISION OF THE QUESTION.

If a matter properly put before the Council contains two or more separable propositions, the Presiding Officer shall may, with the consent of one other Council Member, divide the question into its separable parts for consideration in order. (formerly section V.E.)

7. RECONSIDERATION.

Providing that no intervening rights shall be prejudiced, any Council Member who voted with the majority on a question may move the reconsideration of that question at the same meeting in which the original decision was made or at the next following meeting. After a motion for reconsideration has been acted upon, no other similar motion shall be made without unanimous consent. (formerly section V.C.3.)

D. VOTING.

Unless otherwise required by applicable law, three affirmative votes are required to enact an ordinance, to adopt a resolution, or to adopt a motion granting a franchise or authorizing the payment or expenditure of money or incurring of a debt. The majority of a quorum is required to adopt other motions, unless otherwise required by applicable law. A "majority" refers to a majority of the quorum present. All matters shall be adopted by a roll call vote. ~~All other matters may be referred to a voice vote unless a roll call is requested by any Council Member. On all matters for which a voice vote is~~

~~authorized, the President Officer may ask for, “objections to the question”. If no objection is expressed, the Presiding Officer shall, “so order” and the minutes shall record a unanimous vote in favor. If any Council Member objects to the procedure, a roll call vote shall be called in the normal manner. (formerly section V.C.4.)~~

VII. STAFF SUPPORT.

Staff support for requests from individual council members shall be limited to 15 minutes of staff time. Research, report writing, compilation of materials, etc. in excess of 15 minutes shall not be undertaken unless approved by a majority of the City Council.
(formerly section I.B.5)

VIII. FAILURE TO OBSERVE RULES OR PROCEDURES.

The failure to observe any of the rules or procedures does not serve as an independent source of challenge to any decision or action of the City Council, nor does it serve as evidence of improper conduct in any challenge to any action by a City Council member or by the Council as a whole.

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM

Requested by: _____

Desired Initial Council Meeting Date: _____

Desired Date for Second Step or Policy Calendar Review: _____

Deadline for Action, if any: _____

Problem/Issue/Idea Name: _____

Description of Problem/Issue/Idea: _____

COUNCIL DIRECTION

- No Further Action
- Schedule for Second Step on _____
- Schedule for Policy Calendar Review on _____
- Refer to: Staff _____
 Commission _____
 Board _____
 Committee _____

Date Due: _____

**AGENDA ITEM
SPECIAL CITY COUNCIL MEETING: APRIL 19, 2011
ACTION ITEM**

DATE : April 12, 2011
TO : City Manager
FROM : Finance Director
SUBJECT : **CONSIDERATION OF AMENDMENTS TO THE FUND BALANCE RESERVE POLICY AND THE BALANCED OPERATING BUDGETS POLICY**

RECOMMENDATION:

Adopt the Resolution approving amendments to the Fund Balance Reserve Policy and the Balanced Operating Budgets Policy.

EXECUTIVE SUMMARY:

The City Council adopted the Fund Balance Reserve Policy and the Balanced Operating Budget Policy in April 2004 and in March 2011 directed that staff review the strengths and weaknesses of the policies in light of current economic conditions. The Finance, Audit and Budget Committee reviewed the policies on March 25, 2011 and formed an Ad Hoc Committee to finalize recommendations for presentation to the City Council. The resulting policy changes continue to recognize the importance of maintaining a 20% reserve and a balanced operating budget requirement, along with more definitive descriptions on how the reserves should be comprised and how they could be allocated. While the recommendations are easy to understand, they are also significant in their impact and could change the amounts that are included in the Budget Stabilization Reserves, potentially dropping the reserve below the 20% threshold due to timing issues involving longer-term accounts receivable.

GENERAL PLAN:

Relevant General Plan Policies and Programs:

- Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 8.00: Build Organizational Quality and Capacity
 - Strategy 8.20: Measure and track service (i.e. financial) performance

BUDGET INFORMATION:

There is no budget impact at this time.

BACKGROUND:

Current Review. The City Council approved the City's first Fund Balance Reserve Policy and Balanced Operating Budget Policy on March 26, 2004 and enhanced the policies on two occasions thereafter. Due to the extensive nature of the economic decline over the past 2 years, the suitability of the policies have lately come under question. On March 15, 2011, the Council directed that staff review the policies and offer suggestions on how to improve their usefulness.

The Finance, Audit and Budget Committee (FAB), which had been instrumental in developing the original policies, met on March 25, 2011 and discussed the policies. Afterward, an Ad Hoc Committee composed of Chairperson Dennis Lowry and Board members Lee Wines and Chris Carvalho met to complete the review process.

There were several key issues that were brought forward during the review process. Some were received directly from the City Council as a result of the budget balancing recommendations discussed at the March 15th City Council meeting. Each of the issues is presented below, along with a brief explanation of how they are recommended for change in the fiscal policies.

Fund Balance Reserve Policy Issues and Resolutions.

1. Is the policy still appropriate in today's economic climate, given the extensive decline in revenues over the last two years?

The short answer is "Yes." The Fund Balance Reserve Policy has been a guiding source for the City Council for the last 6 years and has been instrumental in preserving funds that have been set-aside to ensure the continued delivery of City services during periods of operational budget deficits. Fortunately, while the economic recession has lasted for over two years, the City Council has approved continuous budget reductions that have precluded the use of the funds. Even so, the policy has come under scrutiny in order to determine how and when the reserve funds should be utilized.

2. What categories would be most appropriate for the City to assist in stabilizing services and guarding against unknown events?

The FAB recommends combining the *Economic Uncertainty Reserve* and the *Exposures Reserve* into a single *Contingency Reserve*. The recommended percentage of 5% each would become 10%. The Contingency Reserve would mitigate the affects of major economic uncertainties, local disasters, and other severe financial hardships resulting from unforeseen changes in revenues and/or expenditures, including potential costs not covered by the City's insurance programs, such as claim costs within the City's deductibles, self-insured retentions and/or major costs associated with disasters and other events which will not be reimbursable from insurance or from the Federal or State government. The City Council may appropriate these reserves to fund operational costs and other non-emergency capital costs in order to facilitate the stable and efficient delivery of City services or facility maintenance.

The Emergency Reserves category was also reviewed by the FAB but no changes to the category type or percentage were recommended. The percentage remains at 10%.

3. Should the Budget Stabilization Reserves be a fixed dollar amount or a percentage of revenues or expenditures?

The FAB focused on this question and determined these reserves should be based on a percentage of current year estimated revenues, specifically 20%. The reason for the recommendation relates to the central purpose of the policy, which is to ensure the continued delivery of City services during periods of operational budget deficits. Under the new recommendation, if the projected revenues for any given fiscal year drop, the 20% reserve minimum would also be lowered by 20% of the drop. This will immediately identify the necessary expenditure adjustments necessary to yield the prescribed 20% reserve minimum.

The best way to show how the different options would function under the current economic environment is through the following table. In *Table 1*, there are three types of Reserve Bases presented, one based upon a previous year's percentage or fixed dollar amount, one based upon current year expenditures (the current policy), and one based upon current year revenues. In the example, the City's revenues are dropped by \$1 million, from \$30 million to \$29 million, and the transfer of reserves to cover the gap is initiated according to the policy.

The different basis yield different results, with the “revenue” basis allowing the largest transfer of reserves to assist in covering the gap. The “expenditure” basis yielded a lower amount that could only be realized as the expenditures are reduced, causing some confusion as to how much is actually needed. Typically, the Finance Director determines the amount after the reductions are plugged into the City’s budget model.

Basing the reserve percentage on a fixed dollar amount or the previous year’s balances, whether revenues or expenditures, did not allow the flexibility to allocate the reserves during the following fiscal year unless a Surplus Reserve was carried from year-to-year. With mid-cycle recoveries in mind, along with the policy’s focus on stabilizing the delivery of services, this method did not appear to be consistent with the intention of the reserve policy. For these reasons, the revenue basis was chosen because it allows for mid-cycle allocations and the amounts needed to stabilize the budget can be readily determined.

**Table 1.
Changes in Reserve Amounts from \$1 Million Drop in Revenues**

Description	Reserve Basis - 20% of		
	Previous Year or Fixed	Current Year	
		Expenditures	Revenue
Revenue	\$ 29,000,000	\$ 29,000,000	\$ 29,000,000
Revenue "Transfer" from Reserves	-	166,667	200,000
Revised Revenues	29,000,000	29,166,667	29,200,000
Expenditures	(30,000,000)	(30,000,000)	(30,000,000)
Expenditure Reduction Required	1,000,000	833,333	800,000
Revised Expenditures	(29,000,000)	(29,166,667)	(29,200,000)
Fiscal Year Net	-	-	-
Resulting Reserves Balance	\$ 6,000,000	\$ 5,833,333	\$ 5,800,000
Increase (Reduction) in Reserves		5,833,333	5,800,000

4. How should the reserves be held? Can receivables and payables be included?

The treatment of Accounts Receivable and Accounts Payable in determining the City’s “Undesignated” Reserves has been debated on several occasions. At the heart of the matter is the \$2 million receivable from the Valero-Good Neighbor Steering Committee (VGNSC) Settlement Agreement. Under the

agreement, the City is due \$850,000 in FY 2010-11, \$1 million in FY 2011-12, and \$1 million in FY 2012-13. The money has been designated for the construction of the Benicia Community Center, which will be completed in June 2011.

The Policy's intent is to reserve funds that can be accessed readily to resolve economic or emergency funding needs within a single-year fiscal cycle. While the first \$1 million under the agreement will arrive during the next fiscal cycle, it will not arrive during the current fiscal cycle. So, if the reserve balances are designed to show available funds, the current year reserve balance should reflect a reduction of the \$2 million associated with the VGNSC receivable.

In a similar but contrasting manner, Accounts Payable during a fiscal cycle should also reduce the stated reserve balances. For example, the City currently has a \$1.4 million Interfund Loan with the Wastewater Fund. Each fiscal cycle for the next 5 years, the City will owe a payment of \$260,000. Under the policy's intent, only \$260,000 is being reported as a reduction in available reserves, not the entire \$1.6 million outstanding balance.

The FAB recommends modifying the policy to recognize these accounting treatments. The recommended changes indicate the Contingency Reserve funds shall be comprised of Cash plus current year receivables less current year payables. The policy is further restricted for the Emergency Reserves, with the recommendations for holding the reserves limited to Cash and Investments. This would allow the reserves to be immediately available during an emergency.

An evaluation of the City's current Budget Stabilization Reserve balance is shown in *Table 2*. There are additional long-term receivables that need to be considered for inclusion in the Contingency Reserve fund, these include the receivables from Casa Vilarrasa Debt Service Fund and the Marina Enterprise Fund. Each of the receivables is not expected to be recovered for several years, which would remove them from the Contingency Reserve balance. While the merits of the receivables will not be addressed in this report, the presentation of the amounts in the table shows the potential impact when the policy recommendations are implemented.

The table shows how the reserve balances will change from the end of the prior fiscal year, June 30, 2010, through the end of the next three fiscal years. This is done mostly to show the accounting treatment of the VGNSC \$2 million receivable during the period. The reserves are adjusted to reflect the conversion of the receivable to cash and the net income is assumed to be balanced over the same period.

If the City Council approves the policy changes, the available balance in the Budget Stabilization Reserve at the end of the current fiscal year, June 30, 2011,

will be reduced by 2% to 18% by the exclusion of the Casa Vilarrasa and Marina accounts receivable. The reserve balance will be reduced by another 7% to 11% by the exclusion of the VGNSC account receivable.

The situation will improve back to the original 20% reserve balance as the VGNSC accounts receivable is reduced to zero over that course of the next two years and, should the Council choose, reduction/removal of the Casa Vilarrasa and Marina receivables during the same time period. This will be addressed in greater detail during the course of the budget workshops for FY 2011-13.

Table 2.

Accounting Treatment of Interfund Loans and Accounts Receivable					
Description	Balance 06/30/2010	Adjustment s	Balance 06/30/2011	Balance 06/30/2012	Balance 06/30/2013
Loan Receivable: Casa Vilarrasa	\$ 344,642	\$ 114,310	\$ 458,952	\$ 458,952	\$ 458,952
Loan Receivable: Marina	164,826	138,825	303,651	303,651	303,651
Reserves/Net Income	4,669,814	(2,418,425)	2,251,389	3,456,159	4,660,929
Total "CAFR" Reserves	5,179,282		3,013,992	4,218,762	5,423,532
Advance from Wastewater Account Receivable: Valero	1,380,738 -	(204,770) 2,000,000	1,175,968 2,000,000	971,198 1,000,000	766,428 -
Total "Budget" Reserves	6,560,020		6,189,960	6,189,960	6,189,960
Percentage of Operating Rev.	21%		20%	20%	20%

Adjustments for Loans Receivable					
Loan Receivable: Casa Vilarrasa			(458,952)	(229,476)	-
Loan Receivable: Marina			(303,651)	(151,826)	-
Total "Budget" Reserves			5,427,357	5,808,659	6,189,960
Percentage of Operating Rev.			18%	19%	20%

Adjustments for Accounts Receivable					
Account Receivable: Valero			(2,000,000)	(1,000,000)	-
Total "Budget" Reserves			3,427,357	4,808,659	6,189,960
Percentage of Operating Exp.			11%	16%	20%

5. How and when should the Budget Stabilization Reserves be allocated to operating budgets?

The original intent of the Fund Balance Reserve Policy was to maintain the delivery of services during periods of economic decline or rapid increases in expenditures. During the early discussions, it was impressed upon staff that allocation of the reserves would only be approved after attempts to balance

the operating budget had reached temporary barriers. In those situations, the reserves could be allocated to support the delivery of services. The FAB recommended continuing with this policy.

6. If the reserves are allowed to cover deficits in operating budgets, should there be a plan for replenishment and, if so, what is a reasonable repayment period?

Again, the FAB agreed with the original language in the policy but discussed alternatives. It was felt the flexibility allowed each City Council to determine the appropriateness of the articulated findings for the use of the Contingency Reserves. It was also recommended the City Council determine the length of replenishment plan, depending on the health of the economy and the need to provide services.

Balanced Operating Budget Issues and Resolutions

1. What is a balanced operating budget? Can it include the use of reserves?

The policy changes the definition of a balanced operating budget in recognition that many government agencies include the use of reserves in their operating budgets. Under the recommended changes, a balanced budget shall be defined as a condition where the current year's operating expenses do not exceed the current year's operating revenues and *Surplus Reserves*, as defined by the Fund Balance Reserve Policy. In other words, amounts held in reserve above the 20% minimum can be used to balance the operating budgets without a repayment plan.

2. Can Surplus Reserves above 20% be used differently than Budget Stabilization Reserves?

The Fund Balance Reserve Policy defines how Budget Stabilization Reserves may be allocated. The allocation is restricted to certain uses but does allow allocations to help balance the operating budgets when City Council's articulate the need for the use of the reserves, along with a plan for replenishment. Surplus Reserves, on the other hand, may be used freely for both operating and capital funding needs.

3. When should the operating budgets be balanced? Annually, quarterly, monthly?

There has been a great deal of discussion about balancing the budgets during the middle of a budget cycle. In order to accomplish this goal over the past

two years, the City Council has needed to review service levels, something that used to occur during lengthy public workshops as the budget was being prepared. When the process is repeated during the middle of a budget cycle, it tends to distract attention from providing services and accomplishing capital projects.

The Balance Budget Policy recognizes the difficulty in achieving mid-cycle budget reductions and allows the City Council to authorize an “Interim” Balanced Budget through the use of Contingency Reserves. There is an obligation, however, to have a plan in place for resolving the budget imbalance over a period of time deemed appropriate by the City Council.

4. If an operating budget is not balanced without the use of reserves, should a plan be developed for bringing it back into balance and, if so, how long a period is appropriate.

The FAB reviewed this issue in conjunction with the Fund Balance Reserve Policy and recommends that each City Council maintain the flexibility to determine what type and length of repayment plan would be best suited to the situation. During previous economic downturns, a one or two-year plan would seem suitable. Today, a three to five-year horizon may seem more appropriate, given the extensive nature of the reduction in City revenues. Again, the stabilization of City services drives both policies, a matter that should be determined solely by the seated City Council.

In closing, staff would like to recognize the efforts of members of the Finance, Audit and Budget Committee in reviewing and recommending changes in the fiscal policies. Careful consideration was given to the City Council’s comments over the past few months and a great deal of attention was given to matching the recommendations with the requests of the City Council and the needs of the community.

As mentioned earlier, the City originally adopted the policies in 2004 and revised them in 2005 and 2007. The following excerpt from the 2007 update provides further background on the policy development and lists three cities that were used as a model, San Luis Obispo, Mission Viejo, and Santa Barbara.

Policy Basics (from prior year report). The Finance Department gathered information from various sources to assist in the creation and enhancement of Fiscal Policies for several years. The importance of developing such a policy has risen over time as California cities continue to experience an increasingly difficult fiscal environment. In the City of Benicia, the need for strengthening budget and fiscal policies has been cited several times by the Mayor and Council. This

report summarizes the results of the research conducted and recently updated by staff.

The Government Finance Officers of America (GFOA) produced a "Research Bulletin" titled *Unreserved Fund Balance and Local Government Finance* in September 1990 that has set the stage for many of the reserve policies that are in place today. The bulletin contains several criteria to consider when establishing a reserve policy, including the need to establish contingency reserves for several uncertainties, foremost of which is economic uncertainty.

There are also three *sample* reserve policies from the cities of San Luis Obispo, Santa Barbara, and Mission Viejo within this report. The policies are similar to one another but vary in the reserve levels that are considered appropriate by their governing bodies, ranging from 15% to 30%.

Establishing a Fund Balance Policy. The GFOA advises that all governments should have comprehensive financial policies that accurately reflect their financial objectives. These objectives encompass a wide range of activities from raising revenues to accounting for assets and liabilities and investing public funds. Such policies should be in written form, and subject to review by elected officials on a regular basis.

As part of their comprehensive financial policy, local governments should also have a formal policy regarding the level of unreserved fund balance that they wish to establish and maintain for contingencies and other purposes. An important reason for developing such a policy is to provide the taxpayers with an explanation of why financial resources have been set aside and the conditions under which such resources will be expended. The following paragraphs outline the essential elements of an unreserved fund balance policy.

The Basics. Accountants employ the term *fund balance* to describe the net assets of governmental funds calculated in accordance with generally accepted accounting principles (GAAP). Budget professionals commonly use this same term to describe the net assets of governmental funds calculated on a government's budgetary basis. In both cases, *fund balance* is intended to serve as a measure of the financial resources available in a governmental fund.

Accountants also distinguish *reserved fund balance* from *unreserved fund balance* and, typically, only the latter is available for discretionary spending. Accountants also sometimes report a *designated* portion of unreserved fund balance to indicate that the governing body or management have tentative plans concerning the use of all or a portion of unreserved fund balance.

It is essential that governments maintain adequate levels of fund balance to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures) and to ensure stable tax rates. Fund balance levels are a crucial consideration, too, in long-term financial planning.

Forms of Uncertainty. While the health of the economy often has the greatest impact on local government finances, other forms of uncertainty must also be taken into consideration, such as:

- Changes in commodity prices that lead to excessive increases in operational expenditures.
- Unanticipated changes in the tax and spending policies of federal and state governments.
- The imposition of mandates by federal and state governments, which often have uncertain economic and financial impacts on local governments.
- Limitations on a government's taxing and spending powers as the result of the passage of voter referendums.
- Financial impacts of labor agreements, particularly those stemming from binding arbitration.
- Unanticipated expenditures resulting from natural disasters.
- Unexpected capital expenditures resulting from water main breaks, bridge collapses, etc.
- Extraordinary employee overtime costs.
- Errors in revenue and expenditure estimation due to the difficulty in identifying the turning point in the business cycle or the loss of a major local business.
- Unexpected variations in a government's cash flow that necessitates the use of short-term borrowing if sufficient monies are not available to cover shortfalls.

EXAMPLES FROM OTHER CITIES

San Luis Obispo. This progressive city has developed an extensive list of Budget and Fiscal Policies that discuss virtually all aspects of the city's financial management. The document prepared by the City is divided into several sections, including the *Financial Plan Purpose and Organization Policy* and the *Fund Balance and Reserves Policy*. The first addresses the elements to be incorporated into their Two-Year Budget and the latter indicates the level of reserves that is considered appropriate. The *Fund Balance and Reserves Policy* is summarized in Table 1 below.

<p style="text-align: center;">Table 2. City of San Luis Obispo Budget and Fiscal Policies FUND BALANCE AND RESERVES</p>

A. Minimum Fund and Working Capital Balances. The City will maintain fund or working capital balances of at least 20% of operating expenditures in the General Fund and water, sewer and parking enterprise funds. This is considered the minimum level necessary to maintain the City's credit worthiness and to adequately provide for:

1. Economic uncertainties, local disasters, and other financial hardships or downturns in the local or national economy.
2. Contingencies for unseen operating or capital needs.
3. Cash flow.

B. Fleet Replacement. For the General Fund fleet, the City will establish and maintain a Fleet Replacement Fund to provide for the timely replacement of vehicles and related equipment with an individual replacement cost of \$15,000 or more. The City will maintain a minimum fund balance in the Fleet Replacement Fund of at least 20% of the original purchase cost of the items accounted for in this fund.

The annual contribution to this fund will generally be based on the annual use allowance, which is determined based on the estimated life of the vehicle or equipment and its original purchase cost. Interest earnings and sales of surplus equipment as well as any related damage and insurance recoveries will be credited to the Fleet Replacement Fund.

C. Future Capital Project Designations. The Council may designate specific fund balance levels for future development of capital projects that it has determined to be in the best long-term interests of the City.

D. Other Designations and Reserves. In addition to the designations noted above, fund balance levels will be sufficient to meet funding requirements for projects approved in prior years which are carried forward into the new year; debt service reserve requirements; reserves for encumbrances; and other reserves or designations required by contractual obligations, state law, or generally accepted accounting principles.

City of Mission Viejo. The City of Mission Viejo has a Reserves Policy, Table 2, that is also part of a larger group of *Management and Budget Policies*. The policy defines several types of reserve accounts including: a Contingency Reserve; an Economic Uncertainty Reserve; a General Fixed Asset Replacement Reserve; an Exposures Reserve; a Reserve for Infrastructure; an Encumbrances Reserve; Other Reserves (such as Cash Flow); and Unappropriated Fund Balance. The combined total of unappropriated and appropriated reserves in the General Fund is not allowed to fall below 15% of the current year General Fund operating budget.

**Table 3. City of Mission Viejo
Management and Budget Policies**

RESERVES

Budgetary Reserves

- A. A Contingency Reserve account will be budgeted every two years to provide for unanticipated expenditures of a nonrecurring nature and/or to meet unexpected increases in costs.
- B. An Economic Uncertainty Reserve account will be budgeted every two years, and appropriated annually to avoid the need for service level reductions in the event an economic downturn causes revenues to come in lower than budget.

Fund Balance Reserves

- C. A General Fixed Asset Replacement Reserve will be maintained as a separate fund to fund replacement costs of existing equipment, vehicles, computers and office furnishings as they reach the end of their useful lives, and to fund major building repairs that extend the useful life of the asset.
- D. An Exposures Reserve will be maintained for the purpose of setting aside resources for potential costs not covered by the City's insurance programs, such as claim costs within the City's deductibles, self-insured retentions and/or major costs associated with disasters and other events which will not be reimbursable from insurance or from the Federal or State government. The amount of this reserve will be analyzed every two years to determine the appropriate funding level.
- E. A Reserve for Infrastructure, which will receive residual fund balance not apportioned to the Reserves listed under Sections A through D, will be maintained to fund future infrastructure and other one-time expenditures, such as for capital projects that were not anticipated in the biennial budget process or could not be entirely financed from current revenues.
- F. Reserves for Encumbrances and Continuing Appropriations are established at the end of every fiscal year to reserve fund balance in the amount equal to the City's unpaid obligations and unfinished projects at year-end.
- G. Other reserves, such as for cash flow needs or anticipated costs for service enhancements, will be established each fiscal year as needed.
- H. Combined unappropriated fund balance and appropriated reserves in the General Fund will not be allowed to fall below 15% of the current year General Fund operating budget. A separate Cash Flow Reserve will be established in the event that current City cash flow needs exceed combined fund balances. This policy will be re-evaluated every two years.

City of Santa Barbara. This City has designed a reserve policy that has a couple of unique features. The first is the use of an Appropriated Reserve in each operating fund's adopted budget of up to ½ of 1% to provide for unanticipated

expenditures. The second is the establishment of a Capital Reserve of at least 5% of the value of each operating fund's capital assets to fund major capital costs. When added to the 15% reserve for emergencies and the 10% reserve for "unique one-time costs and maintenance of City services during periods of reductions," the combined minimum reserve is 30%. Appropriation or use of funds from any of these minimum reserves will require Council action.

**Table 4. City of Santa Barbara
Management and Budget Policies
RESERVE POLICIES**

- A. An Appropriated Reserve will be included in each operating fund's adopted budget to provide for unanticipated expenditures or to meet unexpected small increases in service delivery costs within the fiscal year. This reserve will be budgeted up to ½ of 1% of the operating budget and any unused portion will be returned to fund balance at the end of the fiscal year.
- B. Each operating fund will establish a Capital Reserve funded to at least 5% of the value of its capital assets. In the alternative, the amount may be established at an amount equal to the average of the adopted capital program budgets for the previous five years. The goal for the General Fund Capital Reserve shall be set to at least \$1 million. Appropriations from these reserves will be to fund major capital costs.
- C. For each operating fund there will be a reserve equal to 15% of its annual operating budget for the purpose of responding to emergencies. It may take more than one year to meet the 15% goal if these emergency reserves do not presently meet the 15% goal.
- D. Each operating fund will establish and maintain a reserve equal to 10% of its annual operating budget for the purpose of providing for unique one-time costs and maintenance of City services and permits orderly budget adjustments during periods of reductions. Appropriation of these reserves to operating budgets should, when feasible, be accompanied by a plan for the replenishment within a reasonable period of time.
- E. Funding of reserves will come generally from one-time revenues, excess fund balance and projected revenues in excess of projected expenditures. They will generally be reserved in the following priority order:
 - a. Reserve for Economic Contingency/Emergencies
 - b. Reserve for Capital
 - c. Reserve for Future Years' Budgets
- F. However, flexibility will be retained to allocate available funds among the reserves based on the current circumstances and needs of the City's various operating funds.

Attachments:

- ❑ Resolution Amending Policies
- ❑ Fund Balance Reserve Policy
- ❑ Balanced Operating Budgets Policy
- ❑ Fund Balance Reserve Policy (~~Strike through~~ Version)
- ❑ Balanced Operating Budgets Policy (~~Strike through~~ Version)

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING ENHANCEMENTS TO THE FUND BALANCE RESERVE POLICY AND THE BALANCED OPERATING BUDGETS POLICY

WHEREAS, the Mayor and City Council have the responsibility to protect and preserve the City of Benicia's financial interests, and

WHEREAS, the citizens of Benicia expect the Mayor and City Council to establish and enhance the financial policies necessary to guide the operations of the City of Benicia and maintain our quality of life in accordance with the sustainability goal of the General Plan; and

WHEREAS, the Mayor and City Council have considered recommendations for enhancing the Fund Balance Reserve Policy and the Balanced Operating Budgets Policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves enhancements to the Fund Balance Reserve Policy and the Balanced Operating Budgets Policy, attached hereto and incorporated herein to further protect the citizens of Benicia from dramatic fluctuations in City provided services.

On motion of Council Member _____, seconded by Council Member _____, the above resolution was approved by the City Council of the City of Benicia at a regular meeting held on the 19th day of April 2011, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**CITY OF BENICIA
FUND BALANCE RESERVE POLICY**

Established April 6, 2004; Revised June 28, 2005, August 7, 2007, April 19, 2011

1. The City shall maintain minimum fund or working capital balances in the General Fund and enterprise funds according to the following requirements:
 - a. **Budget Stabilization Reserves.** The following Budget Stabilization Reserves shall be maintained to ensure the continued delivery of City services during periods of operational budget deficits. Reserve balances will be based on current year revenue. Any request for appropriation of these Reserves shall be accompanied by findings articulating the need for the use of the reserves and a plan for the replenishment of the reserves within a reasonable time period. Appropriation of these funds can only be for the purposes stated. At a minimum, the reserves shall include the following:
 - i. **Contingency Reserve of 10%.** A Contingency Reserve will be maintained to mitigate the affects of major economic uncertainties, local disasters, and other severe financial hardships resulting from unforeseen changes in revenues and/or expenditures, including potential costs not covered by the City's insurance programs, such as claim costs within the City's deductibles, self-insured retentions and/or major costs associated with disasters and other events which will not be reimbursable from insurance or from the Federal or State government. The City Council may appropriate these reserves to fund operational costs and other non-emergency capital costs in order to facilitate the stable and efficient delivery of City services or facility maintenance. These funds shall be comprised of Cash plus current year receivables less current year payables.
 - ii. **Emergency Reserves of 10%.** An Emergency Reserve will be maintained to mitigate all unforeseen events not covered in the Contingency Reserves. The Emergency Reserves shall be appropriated by the City Council to provide for Natural Disaster expenditures of epic proportion, such as an 8.0 Earthquake or 200-Year Flood Event. These funds shall be comprised of Cash and Investments.
 - b. **Internal Service Fund Reserves.** The Council may designate that internal service funds be established for:
 - i. The future maintenance or replacement of plant and equipment. The funds may include, but not be limited to:

1. Equipment replacement
 2. Vehicle replacement
 3. Facilities and infrastructure maintenance/replacement.
 - ii. The future stabilization of costs that might be subject to large cost fluctuations. The funds may include, but not be limited to:
 1. Workers' Compensation Cost Stabilization
 2. General Liability Cost Stabilization
 3. Employee Retirement Cost Stabilization
 - c. **Future Capital Project Reserves.** The Council may designate specific fund balance levels for future development of capital projects that it has determined to be in the best long-term interests of the City.
 - d. **Accounting Designations and Legal Reserves.** In addition to the designations noted above, fund balance levels shall be sufficient to meet funding requirements for projects approved in prior years, which are carried forward into the new year; debt service reserve requirements; reserves for encumbrances; and other reserves or designations required by contractual obligations, state law, or generally accepted accounting principles.
 - e. **Surplus Reserves.** These undesignated and unrestricted reserves shall be established and maintained as repository accounts for all funds not otherwise mandated above.
 - i. The City Council may appropriate these reserves to fund operational revenue shortfalls, emergency expenditures, capital improvement projects, non-recurring expenditures or operational costs in conformance with the City's Balanced Operating Budget Policy.
 - f. **Funding of reserves.** The funding shall come generally from one-time revenues, excess fund balance and projected revenues in excess of projected expenditures. When available, each fund shall be replenished in the following priority order unless otherwise designated by the Council:
 - i. Accounting Designations and Legal Reserves
 - ii. Budget Stabilization Reserves
 - iii. Internal Service Fund Reserves
 - iv. Future Capital Project Reserves
 - v. Surplus Reserves
2. **Council Action Required.** Appropriation or use of funds from any of these reserves or any variance from the stipulations established within this policy

shall require an action of the City Council with a minimum of 4 votes. The Council action shall be accompanied by the following:

- i. A statement of findings supporting the appropriation of reserves or modification to the policy.
- ii. A plan for replenishing the reserve within a reasonable time period when the appropriation causes a reserve to fall below minimum funding levels.

CITY OF BENICIA
BALANCED OPERATING BUDGETS POLICY

Established April 6, 2004; Revised June 28, 2005, April 19, 2011

1. **Mandated Balanced Operating Budgets.** The preliminary, adopted and amended operating budgets for the general fund and all enterprise funds shall be balanced budgets when the following conditions exist:
 - a. A balanced budget shall be defined as a condition where the current year's operating expenses do not exceed the current year's operating revenues and **Surplus Reserves**, as defined by the Fund Balance Reserve Policy.
 - b. An "interim" balanced budget shall be defined as a condition where the current year's operating expenses do not exceed the current year's operating revenues and **Contingency Reserves**, as defined by the Fund Balance Reserve Policy and in accordance with Section 3. below.
 - c. Non-recurring revenues and expenditures are accounted for separately.
2. **Operating Budgets.** Operating budgets shall be defined as regular recurring revenues and expenses required to maintain City Council adopted levels of service to citizens and the community.
 - a. Operating revenues shall include the following: Receipts of property and other taxes; fines, forfeitures and penalties; licenses and permits; revenue from other agencies; investment earnings; rents and concessions; charges for recurring services; and Surplus Reserves, as defined by the Fund Balance Reserve Policy. .
 - b. Operational expenses shall include the following: Payment of wages and benefits; consumable supplies and utilities; materials and commodities; contracts for services; internal service charges for the replacement and maintenance of vehicles, equipment and facilities; internal service charges for the stabilization of retirement or workers' compensation benefits; and capital outlays for additional tools, equipment, or facilities valued less than \$25,000.
3. **Deficit Operating Budgets and Use of Contingency Reserves.** In the event that the current year's operating expenditures exceed the current year's operating revenues and surplus reserves yielding deficit budgets, the City Council may authorize the transfer and appropriation of Contingency Reserves, as defined in the Fund Balance Reserve

Policy, in order to achieve an interim balanced budget, provided the following conditions exist:

- a. The appropriation must be authorized in accordance with the Fund Balance Reserve Policy established by the City Council.
 - b. The use of Contingency Reserves shall require a list of findings articulating the need for the use of the reserves and a plan for achieving a balanced operating budget and for the replenishment of the reserves within a reasonable period of time.
4. **Non-recurring Revenues and Expenditures.** Non-recurring revenues and expenditures shall be defined as those of a one-time or short-term nature, generally associated with Interfund or External Advances and Loans, grant-funded services, subdivision development or capital improvement projects.
- a. Non-recurring revenues shall include the following: net permit revenue from subdivisions in excess of 10 lots; grant awards; Interfund or external advances and loan repayments; rebates and reimbursements of a non-recurring nature; and capital improvement project contributions.
 - b. Non-recurring expenditures shall include the following: grant sponsored programs and projects; equipment and facilities with a life generally in excess of one year or \$25,000; and program organization and planning projects in excess of \$25,000.
 - c. Deficit Non-recurring Budget appropriations must be authorized in accordance with the Fund Balance Reserve Policy established by the City Council.
5. **Council Action Required.** Any variance from the stipulations established within this policy shall require approval of the City Council with a minimum of four (4) votes.

**CITY OF BENICIA
FUND BALANCE RESERVE POLICY**

Established April 6, 2004; Revised June 28, 2005, August 7, 2007, [April 19, 2011](#)

1. The City shall maintain minimum fund or working capital balances in the General Fund and enterprise funds according to the following requirements:
 - a. **Budget Stabilization Reserves.** ~~These “Contingency” reserves shall be established with the goal of maintaining a total amount equal to 20% of each fund’s annual operating budget for the purpose of stabilizing the~~ The following Budget Stabilization Reserves shall be maintained to ensure the continued delivery of City services during periods of operational budget deficits. Reserve balances will be based on current year revenue. Any request for appropriation of these Reserves shall be accompanied by findings articulating the need for the use of the reserves and a plan for the replenishment of the reserves within a reasonable time period. Appropriation of these funds can only be for the purposes stated. At a minimum, the reserves shall include the following:
 - i. ~~Economic Uncertainty~~Contingency Reserve of 510%. A Contingency Reserve will be maintained to mitigate the affects of major economic uncertainties, local disasters, and other severe financial hardships resulting from unforeseen changes in revenues and/or expenditures, including potential costs not covered by the City’s insurance programs, such as claim costs within the City’s deductibles, self-insured retentions and/or major costs associated with disasters and other events which will not be reimbursable from insurance or from the Federal or State government. The City Council may appropriate these reserves to fund operational costs and other non-emergency capital costs in order to facilitate the stable and efficient delivery of City services or facility maintenance. These funds shall be comprised of Cash plus current year receivables less current year payables.
 - ii. **Emergency Reserves of 10%.** An Emergency Reserve will be maintained to mitigate all unforeseen events not covered in the ~~Economic Uncertainty and Exposures~~Contingency Reserves. The Emergency Reserves shall be appropriated by the City Council to provide for Natural Disaster expenditures of epic proportion, such as an 8.0 Earthquake or 200-Year Flood Event. These funds shall be comprised of Cash and Investments.
 - b. **Internal Service Fund Reserves.** The Council may designate that internal service funds be established for:
 - i. The future maintenance or replacement of plant and equipment. The funds may include, but not be limited to:
 1. Equipment replacement
 2. Vehicle replacement
 3. Facilities and infrastructure maintenance/replacement.
 - ii. The future stabilization of costs that might be subject to large cost fluctuations. The funds may include, but not be limited to:
 1. Workers’ Compensation Cost Stabilization

2. General Liability Cost Stabilization
 3. Employee Retirement Cost Stabilization
- c. **Future Capital Project Reserves.** The Council may designate specific fund balance levels for future development of capital projects that it has determined to be in the best long-term interests of the City.
 - d. **Accounting Designations and Legal Reserves.** In addition to the designations noted above, fund balance levels shall be sufficient to meet funding requirements for projects approved in prior years, which are carried forward into the new year; debt service reserve requirements; reserves for encumbrances; and other reserves or designations required by contractual obligations, state law, or generally accepted accounting principles.
 - e. **Undesignated and Unrestricted Surplus Reserves.** These undesignated and unrestricted reserves shall be established and maintained as repository accounts for all funds not otherwise mandated above.
 - i. The City Council ~~shall~~may appropriate these reserves to fund operational revenue shortfalls, emergency expenditures, capital improvement projects, non-recurring expenditures or operational costs in conformance with the City’s Balanced Operating Budget Policy.
 - ~~ii. The minimum for these reserves shall be established by the City Council during the adoption of the fiscal budget.~~
 - f. **Funding of reserves.** The funding shall come generally from one-time revenues, excess fund balance and projected revenues in excess of projected expenditures. When available, each fund shall be replenished in the following priority order unless otherwise designated by the Council:
 - i. Accounting Designations and Legal Reserves
 - ii. Budget Stabilization Reservess
 - iii. Internal Service Fund Reserves
 - iv. Future Capital Project Reserves
 - v. ~~Undesignated and Unrestricted~~Surplus Reserves
2. **Council Action Required.** Appropriation or use of funds from any of these reserves or any variance from the stipulations established within this policy shall require an action of the City Council with a minimum of 4 votes. The Council action shall be accompanied by the following:
 - i. A statement of findings supporting the appropriation of reserves or modification to the policy.
 - ii. A plan for replenishing the reserve within a reasonable time period when the appropriation causes a reserve to fall below minimum funding levels.

**CITY OF BENICIA
BALANCED OPERATING BUDGETS POLICY**

Established April 6, 2004; Revised June 28, 2005, April 19, 2011

1. **Mandated Balanced Operating Budgets.** The preliminary, adopted and amended operating budgets for the general fund and all enterprise funds shall be balanced budgets when the following conditions exist:
 - a. A balanced budget shall be defined as a condition where the current year's operating expenses do not exceed the current year's operating revenues and *Surplus Reserves*, as defined by the Fund Balance Reserve Policy.
 - b. An "interim" balanced budget shall be defined as a condition where the current year's operating expenses do not exceed the current year's operating revenues and *Contingency Reserves*, as defined by the Fund Balance Reserve Policy, in accordance with Section 3. below.
 - b.c. Non-recurring revenues and expenditures are accounted for separately.
2. **Operating Budgets.** Operating budgets shall be defined as regular recurring revenues and expenses required to maintain City Council adopted levels of service to citizens and the community.
 - a. Operating revenues shall include the following: PaymentsReceipts of property and other taxes; fines, forfeitures and penalties; licenses and permits; revenue from other agencies; investment earnings; rents and concessions; ~~and~~ charges for recurring services; and Surplus Reserves, as defined by the Fund Balance Reserve Policy.
 - b. Operational expenses shall include the following: Payment of wages and benefits; consumable supplies and utilities; materials and commodities; contracts for services; internal service charges for the replacement and maintenance of vehicles, equipment and facilities; internal service charges for the stabilization of retirement or workers' compensation benefits; and capital outlays for additional tools, equipment, or facilities valued less than \$25,000.
3. **Deficit Operating Budgets and Use of Contingency Reserves.** In the event that the current year's operating expenditures exceed the current year's operating revenues and surplus reserves yielding deficit budgets, the City Council may authorize the transfer and appropriation of ~~designated or undesignated~~ Contingency Reserves, as defined in the Fund Balance Reserve Policy, in order to achieve an interim balanced budget, provided the following conditions exist:
 - a. The appropriation must be authorized in accordance with the Fund Balance Reserve Policy established by the City Council.
 - b. The use of Contingency Reserves shall require a list of findings articulating the need for the use of the reserves and a plan for achieving a balanced operating budget and for the replenishment of the reserves within a reasonable period of time.

4. **Non-recurring Capital Revenues and Expenditures.** Non-recurring ~~capital~~ revenues and expenditures shall be defined as those of a one-time or short-term nature, generally associated with Interfund or External Advances and Loans, grant-funded services, subdivision development or capital improvement projects.
 - a. Non-recurring ~~capital~~ revenues shall include the following: net permit revenue from subdivisions in excess of 10 lots; grant awards; Interfund or external advances and loan repayments; rebates and reimbursements of a non-recurring nature; and capital improvement project contributions.
 - b. Non-recurring ~~capital~~ expenditures shall include the following: grant sponsored programs and projects; equipment and facilities with a life generally in excess of one year or \$25,000; and program organization and planning projects in excess of \$25,000.
 - c. Deficit Non-recurring Budget appropriations must be authorized in accordance with the Fund Balance Reserve Policy established by the City Council.

5. **Council Action Required.** Any variance from the stipulations established within this policy shall require approval of the City Council with a minimum of four (4) votes.

AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 12, 2011
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the April 19, 2011 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of each month at 6:30 pm. The last meeting was held on March 16, 2011 and a copy of the agenda, along with the minutes from that meeting are attached. The meeting scheduled for April 20, 2011 has been cancelled.

The next meeting is scheduled for May 18, 2011, the agenda for that meeting is not currently available.

Attachments:

- ❑ March 16, 2011 Agenda
- ❑ March 16, 2011 Minutes

SOLANO COUNTY MAYORS' COMMITTEE MEETING

**Foster's Bighorn
143 Main Street
Rio Vista, California
(This is a cash & check only restaurant, no credit cards)**

**Wednesday
March 16, 2011
6:00 PM**

AGENDA

- 1. Roll Call/Call to Order**
- 2. Introductions by Mayor Jan Vick**
- 3. Public Comment**
(Members of the public may address the Committee on matters not listed on the agenda, but within the jurisdiction of the Committee.)
- 4. Business:**
 - A. Approval of Minutes for the January 19, 2011, meeting.**
 - B. SFBAAQMB and potential city representation.**
 - C. Discussion of April meeting.**
- 5. Adjournment**

SOLANO COUNTY MAYORS' COMMITTEE MEETING

Foster's Bighorn
143 Main Street
Rio Vista, CA

Wednesday
March 16, 2011
6:00 PM

MINUTES

1. Roll Call/Call to Order

Chairperson/Mayor Jan Vick called the meeting to order at 6:05 p.m.

Mayors Present:

Mayor Elizabeth Patterson	City of Benicia
Mayor Jack Batchelor	City of Dixon
Mayor Jan Vick	City of Rio Vista
Mayor Pete Sanchez	City of Suisun City
Mayor Steve Hardy	City of Vacaville

Mayors Absent:

Mayor Osby Davis	City of Vallejo
Mayor Harry T. Price	City of Fairfield

A quorum was present.

2. Introductions by Mayor Jan Vick:

All attendees were acknowledged and welcomed by Mayor Vick.

3. Public Comment

There were no speakers under public comment.

4. Business:

A. Approval of Minutes for the December 15, 2010, meeting:

The January 19, 2011 minutes were approved.

B. BAAQMB and potential city representation:

Mayor Patterson initiated a discussion of the Bay Area Air Quality Management Board and the lack of timely information the cities of Fairfield, Benicia, Suisun City and Vallejo receive. Jim Spering is the County representative on the Board. The Mayors would like cities to have more of a dialogue on the issues and rules that come before the Board. The Mayors have previously discussed that cities should have a seat, but lacking that, at a minimum they need routine reports and feedback. Mayors should get copies of reports at a minimum on what matters to us. Need more representation of cities – Fairfield, Suisun City, Benicia and Vallejo. There was a suggestion to take the matter up directly with Jim Spering and ask BAAQMB to provide agenda materials and minutes to cities. Cities need to ask Jim what position he's taking on rules and other issues. Mayor Vick will contact Jim by phone first and then by email to request reports from the meetings.

3. Discussion of April meeting:

The April meeting has been cancelled due to the change in the STA meeting and a special 4 C's meeting that same night.

5. Adjournment

The meeting was adjourned at 7:45 p.m. The next meeting will be May 18th.

AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : March 28, 2011

TO : Mayor Patterson
Vice Mayor Schwartzman

FROM : City Attorney

SUBJECT : **ABAG COMMITTEE MEETING**

The following information is provided for your committee report at the April 19, 2011 council meeting:

- The Spring Assembly is scheduled for Thursday, April 14, 2011 at the Oakland Marriott City Center from 8:30 a.m. to 2:30 p.m.
- The topic for the Spring General Assembly "California's Challenges Regional Opportunities/Solutions."
- Registration is now available.
- The General Assembly meeting agenda is attached.

Attachments:

- General Information on the General Assembly
- April 14, 2011 General Assembly Meeting Agenda
- April 14, 2011 General Assembly Business Meeting
- April 22, 2010 Draft General Assembly Business Meeting Summary Minutes

CALIFORNIA'S CHALLENGES
REGIONAL OPPORTUNITIES / SOLUTIONS

APRIL 14
2011
Oakland Marriott City Center

SPRING GENERAL ASSEMBLY
AND BUSINESS MEETING

Keynote Speakers:
Dr. Kevin Starr
and Paul Saffo

Annual Growing
Smarter Together
Awards Presentation

ABAG Delegate
Quorum needed
to adopt annual
budget

50th Anniversary
1961 - 2011
Association of
Bay Area Governments

Spring General Assembly

Thursday, April 14, 2011
Oakland Marriott City Center • 8:30 a.m. - 2:30 p.m.

California's Challenges *Regional Opportunities / Solutions*

Elected officials, private sector leaders, and community stakeholders from throughout the region will convene to gain perspective on California's challenges in today's constrained economy and explore impacts and opportunities for regional solutions to local challenges. Keynote Speaker

Kevin Starr, State Librarian Emeritus, will address the historic implications of California's pioneering spirit and pacing of metropolitanization over the past 50 years. Visionary futurist Paul Saffo will suggest why the Bay Area needs to act as a city-state. Regional opportunities and solutions to local challenges will be the theme of a panel of local government leaders including San Francisco Mayor Edwin Lee, Oakland Mayor Jean Quan, San Jose Mayor Chuck Reed, and Redwood City Councilmember Barbara Pierce, and moderated by Santa Clara County Supervisor Dave Cortese, ABAG Past President.

ABAG's Spring General Assembly will also include the annual business meeting to adopt the 2011-2012 Budget and Work Program and presentation of the Fifth Annual Growing Smarter Together Awards honoring local government achievements.

Register for the ABAG Spring General Assembly

View The Spring General Assembly Agenda Draft

For additional information, call Halimah Anderson, ABAG Communications Officer (510/464-7986), Leah Zippert, ABAG Communications Officer (510/464-7995), or Kathleen Cha, ABAG Senior Communications Officer (510/464-7922).

ABAG Spring General Assembly Agenda

APRIL 14, 2011

MARRIOTT HOTEL, OAKLAND

California's Challenges: Regional Opportunities/ Solutions

- 8:00** **Registration and Continental Breakfast**
- 8:30** **Welcome**
ABAG President Mark Green, Union City Mayor
Host City Welcome: Mayor Jean Quan, Oakland
- 9:00** **Introduction of Keynote Speaker:**
Supervisor Scott Haggerty, Alameda County

Keynoter: Dr. Kevin Starr, State Librarian Emeritus and University
Professor of History at the University of Southern California
"ABAG: 50 Years of Pacing the Metropolitanization of America"
- 9:40** **Break**
- 10:00** **"Why the Bay Area Needs to Act as a City-State"**
Paul Saffo, Visionary Futurist, Author, Managing Director of Foresight at
Discern Analytics
- 10:30** **Panel Discussion: Regional Solutions to Local Challenges**
Mayor Ed Lee, City and County of San Francisco
Mayor Jean Quan, City of Oakland
Mayor Chuck Reed, City of San Jose
Councilmember Barbara Pierce, Redwood City

Moderator: Supervisor Dave Cortese, Santa Clara County
- 12:15** **Business Meeting**
- 12:30** **Luncheon**
5th Annual Growing Smarter Together Awards
Presentations by ABAG President Mark Green and
Susan Adams, ABAG Vice President and Marin County Supervisor
- 2:30** **Adjourn**



A G E N D A

GENERAL ASSEMBLY BUSINESS MEETING

12:15 P.M., Thursday, April 14, 2011

Oakland Marriott City Center

1001 Broadway

Oakland, California

Status

1. CALL TO ORDER
2. CONFIRMATION OF QUORUM
3. PUBLIC COMMENT
4. APPROVAL OF SUMMARY MINUTES**
April 22, 2010, General Assembly Business Meeting Action
5. PRESIDENT'S REPORT
6. PROPOSED ANNUAL BUDGET AND WORK PLAN**
Fiscal Year 2011-2012
Including Member Dues Action
7. ANNOUNCEMENTS
8. ADJOURNMENT

Ezra Rapport, Secretary-Treasurer

**Attachment included.



SUMMARY MINUTES (DRAFT)

ABAG General Assembly
Business Meeting, April 22, 2010
Oakland Marriott City Center
Oakland, CA

1. CALL TO ORDER

The meeting was called to order by President Mark Green at 12:15 p.m.

2. CONFIRMATION OF QUORUM

Ken Moy, Legal Counsel, and Fred Castro, Clerk of the Board, reported that quorum was present.

County Delegates and Alternates Present

Supervisor Scott Haggerty
Supervisor Federal Glover
Supervisor Susan L. Adams
Supervisor Mark Luce
Supervisor John Avalos
Supervisor Rose Jacobs Gibson
Supervisor Ken Yeager
Supervisor Barbara Kondylis

Jurisdiction

County of Alameda
County of Contra Costa
County of Marin
County of Napa
County of San Francisco
County of San Mateo
County of Santa Clara
County of Solano

City/Town Delegates and Alternates Present

Councilmember Marie Gilmore
Councilmember Marge Atkinson
Councilmember Don Callison
Vice Mayor Mary Rocha
City Manager George Rodericks
Mayor Elizabeth Patterson
Councilmember Laurie Capitelli
Mayor Bob Taylor
Mayor Jack Gingles
Councilmember Julie Pierce
Mayor Guy Bjerke
Councilmember Mark Landman
Vice Mayor Gilbert Wong
Councilmember Dane Besneatte
Councilmember Don Biddle
Mayor Janet Abelson
Councilmember Ruth Atkin
Councilmember Harry Price
Vice Mayor Linda Koelling
Councilmember Suzanne Chan
Councilmember Peter Arellano
Councilmember Joanne Ward
Mayor Christine Krolik
Councilmember Carol Federighi

Jurisdiction

City of Alameda
City of Albany
City of American Canyon
City of Antioch
City of Belvedere
City of Benicia
City of Berkeley
City of Brentwood
City of Calistoga
City of Clayton
City of Concord
City of Cotati
City of Cupertino
City of Dixon
City of Dublin
City of El Cerrito
City of Emeryville
City of Fairfield
City of Foster City
City of Fremont
City of Gilroy
City of Hercules
City of Hillsborough
City of Lafayette

Councilmember Len Rifkind
Mayor Marshall Kamena
Mayor David Casas
Mayor Richard Cline
Mayor Stephanie Moulton Peters
Councilmember Nadia Holober
Councilmember Curtis Wright
City Manager Edward Tewes
Mayor Ronit Bryant
Councilmember Luis Freitas
Councilmember Nancy Nadel
Councilmember Amy Worth
Councilmember Greg Sharff
City Manager Geoffrey Grote
Councilmember Tim Banuelos
Mayor Jennifer Hosterman
Councilmember Barbara Pierce
Councilmember Jim Rogers
Councilmember Jake Mackenzie
Vice Mayor Rico Medina
Councilmember Ash Kalra
Councilmember Ursula Reed
Councilmember Robert Ross
Councilmember Greg Brockbank
Councilmember Dave Hudson
Councilmember Jamie Matthews
Mayor Susan Gorin
Councilmember Laurie Gallian
Councilmember Richard Garbarino, Sr.

Councilmember Manuel Fernandez
Councilmember Erin Hannigan
Councilmember Bob Simmons
Councilmember Elizabeth Lewis
Councilmember Joseph Silva
Mayor Carla Condon
Councilmember Robert Storer
Councilmember David Weinsoff
Councilmember Howard Harpham
Mayor Sam Salmon
Vice Mayor John Dunbar

County Delegates Absent

Supervisor Mark Kerns

City/Town Delegates Absent

Councilmember David Braunstein
Councilmember Sepi Richardson
Mayor Cathy Baylock
Councilmember Daniel Furtado
Councilmember Gus Wolter
Vice Mayor Carol Klatt

City of Larkspur
City of Livermore
City of Los Altos
City of Menlo Park
City of Mill Valley
City of Millbrae
City of Monte Sereno
City of Morgan Hill
City of Mountain View
City of Newark
City of Oakland
City of Orinda
City of Palo Alto
City of Piedmont
City of Pinole
City of Pleasanton
City of Redwood City
City of Richmond
City of Rohnert Park
City of San Bruno
City of San Jose
City of San Leandro
City of San Mateo
City of San Rafael
City of San Ramon
City of Santa Clara
City of Santa Rosa
City of Sonoma
City of South San Francisco
City of Union City
City of Vallejo
City of Walnut Creek
Town of Atherton
Town of Colma
Town of Corte Madera
Town of Danville
Town of Fairfax
Town of Moraga
Town of Windsor
Town of Yountville

Jurisdiction

County of Sonoma

Jurisdiction

City of Belmont
City of Brisbane
City of Burlingame
City of Campbell
City of Cloverdale
City of Daly City

Vacant	City of East Palo Alto
Vacant	City of Half Moon Bay
Councilmember Francisco Zermeno	City of Hayward
Vice Mayor Jim Wood	City of Healdsburg
Vice Mayor Joe Pirzynski	City of Los Gatos
Councilmember Lara DeLaney	City of Martinez
Vice Mayor Peter McHugh	City of Milpitas
Mayor Jill Techel	City of Napa
Mayor Pro Tem Carole Dillon-Knutson	City of Novato
Councilmember Bruce Conelley	City of Oakley
Councilmember Jim Vreeland	City of Pacifica
Mayor Pam Torliatt	City of Petaluma
Mayor Salvatore Evola	City of Pittsburgh
Mayor Karen Mitchoff	City of Pleasant Hill
Councilmember Jack Krebs	City of Rio Vista
Councilmember Omar Ahmad	City of San Carlos
Intergov. Dir. Nancy Kirshner Rodriguez	City of San Francisco
Councilmember Paul Morris	City of San Pablo
Mayor Kathleen King	City of Saratoga
Vice Mayor Linda Pheifer	City of Sausalito
Mayor Sarah Glade Gurney	City of Sebastopol
Vacant	City of St. Helena
Councilmember Mike Segala	City of Suisun City
Councilmember Anthony Spitaleri	City of Sunnyvale
Vice Mayor Curtis Hunt	City of Vacaville
Mayor Dean Warshawsky	Town of Los Altos Hills
Mayor Steve Toben	Town of Portola Valley
Vacant	Town of Ross
Vacant	Town of San Anselmo
Councilmember Jim Fraser	Town of Tiburon
Councilmember David Tanner	Town of Woodside

3. PUBLIC COMMENT

There were no public comments.

4. APPROVAL OF SUMMARY MINUTES, April 23, 2009, General Assembly Business Meeting*

President Green recognized a motion by Barbara Kondylis, Supervisor, County of Solano, and a second by Susan Adams, Supervisor, County of Marin, to approve the minutes of the General Assembly Business Meeting of April 23, 2009. The county motion passed unanimously.

President Green recognized a motion by Jennifer Hosterman, Mayor, City of Pleasanton, and a second by Julie Pierce, Councilmember, City of Clayton, to approve the minutes of the General Assembly Business Meeting of April 23, 2009. The cities motion passed unanimously.

5. PRESIDENT'S REPORT

President Green stated he was pleased to serve as ABAG President for the next two years and looked forward to working with members.

He reported that he has begun making the rounds of Mayors and Councilmembers Associations throughout the region and expects to have the region covered by June.

He asked members interested in getting more involved in ABAG committees to contact him or staff.

He announced that 2011 marks ABAG's fiftieth anniversary and that we will look for ways to recognize ABAG's accomplishments over the last 50 years.

6. PROPOSED ANNUAL BUDGET AND WORK PLAN – Fiscal Year 2010-2011*

President Green recognized Executive Director Henry Gardner who presented a summary of the Annual Budget and Work Program for fiscal year 2010-2011, which including member dues.

President Green recognized a motion by Barbara Kondylis, Supervisor, County of Solano, and a second by Susan Adams, Supervisor, County of Marin, to approve the Annual Budget and Work Plan for Fiscal Year 2010-2011, including member dues. The county motion passed unanimously.

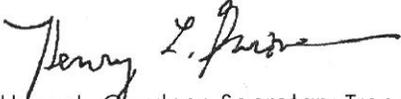
President Green recognized a motion by Harry Price, Mayor, City of Fairfield, and a second by Jack Gingles, Mayor, City of Calistoga, to approve the Annual Budget and Work Plan for Fiscal Year 2010-2011, including member dues. The cities motion passed, but with two nay votes.

7. ANNOUNCEMENTS

There were no other announcements.

8. ADJOURNMENT

Meeting adjourned at about 12:30 PM.


Henry L. Gardner, Secretary-Treasurer

* Indicates attachments.

AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 13, 2011

TO : Vice Mayor Schwartzman
Council Member Campbell

FROM : Finance Director

SUBJECT : **FINANCE, AUDIT AND BUDGET COMMITTEE**

The following information is provided for your committee report at the April 19, 2011 Council meeting.

The FAB committee held a meeting on March 25, 2011, however the minutes from that meeting are not yet available. The minutes from February 25, 2011 meeting and the agenda for the meeting of April 22, 2011 is attached for your review.

Attachment:

- Minutes from February 25, 2011
- Agenda for April 22, 2011

FINANCE, AUDIT AND BUDGET COMMITTEE
DRAFT REGULAR MEETING MINUTES
COMMISSION ROOM
FEBRUARY 25, 2011 – 8A.M.

1. Call to Order at 8:00 a.m.

- a. Attended by Committee Chair Dennis Lowry, Board Members: Michael Clarke, Lee Wines, Chris Carvalho; Council Members: Tom Campbell, Alan Schwartzman; City Treasurer Teri Davena. Staff present: City Manager Brad Kilger, Finance Director Robert Sousa. Members of the public present – JB Davis.
- b. Introduction of New Board Member
Chris Carvalho introduced himself to the board and indicated he works as an Accounting Manager at a Motel/Hospitality firm.

2. Notice to the Public

3. Approval of Agenda

Approved by consensus.

4. Approval of Minutes from the meeting held on January 6, 2011 and February 3, 2011.

Approved by consensus.

5. Review Long Range Calendar *Revised Schedule*****

Monthly review of future FAB Agenda topics. The Peer Review of the Auditors did not arrive and will be placed on the March 25 Agenda. A brief discussion ensued regarding issues pertaining to the review and possible re-bidding of the audit contract.

Approved by consensus.

6. Follow-up on the Mission, Duty and Structure Policy

Chair Lowry reviewed changes that had been implemented in the policy and the work plan. Corrections were noted. The City Manager talked about his experience working with similar committees and discussed his view of the short term and long term projects of the committee. Due to the planned retirement of the Finance Director, he was concerned about the timeframes recommended in the Work Plan and asked for some flexibility in addressing the projects. Chair Lowry reiterated that the committee intends to conduct much of the study and will minimize the involvement of staff as much as possible. Member Clark volunteered to assist with the Long Range Model. Member Wines handed out a copy of a Long-Term Debt Policy that will be reviewed at a future meeting.

Approved by consensus for forwarding to the City Council.

7. Review Monthly Financial Report for January 31, 2011

Chair Lowry talked about the work done to try to convert the revenues and expenditures to an accrual basis. The difference in how certain revenues was noted, specifically recreation programs and property taxes. The Chair modified the General Ledger to reflect the timing of the larger revenues and the print out was discussed. The Finance Director noted that Investment Earnings may be overstated due to delays in posting the journal entry. The Chair discussed the importance of determining the revenue trends and how they can be used to better predict future revenues. The GL indicated that Valero had not made their January and February Payment. The Finance Director will follow-up. The Chair noted the property tax budget vs. actual did not link to the report indicating it was above projections. The Chair

indicated the current GL also indicates the General Fund is \$2.9 million behind. The Finance Director thought this may be related to the July revenues being moved back to the prior year. The Finance Director will continue to work on developing recommendations relating to reporting the GL on an accrual basis.

8. Previous Month Warrant Register Review for January 2011

Museum Payment: The annual contribution was reduced but the Museum chose to receive full payment in the 3rd quarter and will not receive additional amounts.

Police Evidence Grant: The expenditure was authorized as part of the grant receipt.

Solar Project: The Finance Director moved the project from the General Fund to the Capital Project Fund.

Chair Lowry discussed limiting the City Manager's ability to move budget dollars from one Division's line item to another Division's line item. He felt it allowed Department Heads to overspend their budgets knowing the City Manager would move dollars around to cover the expense.

The Finance Director discussed the process of allowing departments to over charge against line items as long as the division is within its budget. It is only when the Division is caused to go over budget that the City Manager reallocates budget authorization.

Member Campbell commented on the review of the purchasing policy and stressed the need to have very specific language regarding the net costs or savings. The committee discussed the expectations and parameters for reviewing the creation of a centralized purchasing policy and made recommendations to staff.

9. Public Comment

None.

10. Adjournment at 10:20am.

**FINANCE, AUDIT AND BUDGET COMMITTEE
REGULAR MEETING AGENDA
COMMISSION ROOM
APRIL 22, 2011 - 8:00AM**

- 1. Call to Order**
- 2. Notice to the Public**
- 3. Approval of Agenda**
- 4. Approval of Minutes from the meeting held on March 25, 2011**
- 5. Review Long Range Calendar**
Monthly review of future FAB Agenda topics.
Recommendation: Provide suggestions and timing of future Agenda topics
- 6. Review of City Council Fund Balance Reserve Policy and Balanced Operating Budgets Policy**
On April 19, 2011, the City Council will consider changes recommended by the FAB to these policies. The attached "Draft" policies are provided for your future reference.
Informational Item.
- 7. Review Long Range Budget Model**
The Long Range Budget Model is utilized by the City Council to determine the long-term impacts of current budget planning. The committee reviews the Model on a recurring basis and provides recommendations for improvement.
Recommendation: Review and Comment.
- 8. Review Monthly Financial Report for March 31, 2011**
The FAB requested monthly financial reports that include the most recent warrant register postings. The agenda packet will include the General Fund report only but an Excel file of all funds will be provided via email.
Recommendation: Review Monthly Financial Reports
- 9. Previous Month Warrant Register Review for March 31, 2011**
A monthly audit of payments to vendors that supply services to the City of Benicia. Members of the FAB committee review the warrant register and request that further information be provided by staff as necessary.
Recommendation: Approve Warrant Registers
- 10. Public Comment**
- 11. Adjournment**

Public Participation

The Benicia Finance, Audit and Budget Committee welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The Finance, Audit and Budget Committee allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Finance, Audit and Budget Committee.

Should you have material you wish to enter into the record, please submit it to the Finance Director.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Human Resources Department, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Committee discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the Audit and Finance Committee.

Pursuant to Government Code Section 65009, if you challenge a decision of the Finance, Audit and Budget Committee in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Finance, Audit and Budget Committee at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the Finance, Audit and Budget Committee is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 12, 2011

TO : Mayor Patterson
Vice Mayor Schwartzman

FROM : City Manager

SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the April 19, 2011 City Council meeting.

The Second Quarterly Division meeting of the North Bay, League of California Cities will be hosted by the City of Novato on Thursday, April 28, 2011. There will be a special presentation by the Executive Director of the League of California Cities, Chris McKenzie.

A copy of the announcement for the meeting is attached.

Attachment:

- Meeting Announcement



NORTH BAY DIVISION GENERAL MEMBERSHIP MEETING

Hosted by the City of Novato

Thursday, April 28, 2011

NORTH BAY DIVISION MEMBER CITIES

MARIN COUNTY

BELVEDERE
CORTE MADERA
FAIRFAX
LARKSPUR
MILL VALLEY
NOVATO
ROSS
SAN ANSELMO
SAN RAFAEL
SAUSALITO
TIBURON

NAPA COUNTY

AMERICAN CANYON
CALISTOGA
NAPA
ST. HELENA
YOUNTVILLE

SOLANO COUNTY

BENICIA
DIXON
FAIRFIELD
RIO VISTA
SUISUN CITY
VACAVILLE
VALLEJO

SONOMA COUNTY

COTATI
HEALDSBURG
ROHNERT PARK
SANTA ROSA
SEBASTOPOL
SONOMA
WINDSOR

OFFICERS

PRESIDENT

CURTIS HUNT
COUNCILMEMBER, VACAVILLE

FIRST VICE PRESIDENT

JOHN DUNBAR
MAYOR - YOUNTVILLE

SECOND VICE PRESIDENT

GREG BROCKBANK
VICE MAYOR - SAN RAFAEL

PAST PRESIDENT

ERNESTO OLIVARES
MAYOR - SANTA ROSA

DIVISION DIRECTOR

ALICE FREDERICKS
COUNCILMEMBER - TIBURON

STAFF

NANCY HALL BENNETT
REGIONAL PUBLIC AFFAIRS
MANAGER

**Inn Marin
250 Entrada Drive
Novato, California**

Welcome Reception 6:00 pm
Dinner 7:00 pm
Program Begins 7:15 pm

Please join the Members of the North Bay Division as we hear about the League of California Cities 2011 strategic goals.

Special Presentation:

League of California Cities Executive Director, Chris McKenzie

League of California 2011 League Goals:

- o *Strong Partnerships for a Stronger Golden State.*
- o *Sustainable and Secure Public Pension Systems.*
- o *Responsive and Accessible League Services*

Dinner Choice of:

*Flank Steak with Rickey's Barbecue Sauce
Served with Mashed Potatoes and Sautéed Asparagus*

~or~

*Grilled Salmon with Tropical Salsa
Served with Jasmine Rice and Bok Choy*

*Dessert, coffee and tea will be included with dinner price
- Cash Bar -*

Please RSVP by Thursday, April 14th to:
Shelley Martin SMartin@cityofvacaville.com

North Bay Division Members pay: \$35.00 per person

Non-Member's pay: \$50.00 per person

*One-time member dinner price supplemented by
the dues collected for 2011*

Please make checks payable to North Bay Division, LOCC

Pay at the door or check mailed to:

Shelley Martin
City of Vacaville
650 Merchant Street
Vacaville CA 95688

Questions? Please contact Nancy Hall Bennett, (415) 302-2032

**AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : April 12, 2011

TO : Council Member Ioakimedes
Council Member Hughes

FROM : City Manager

SUBJECT : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

The following information is provided for your committee report at the April 19, 2011 City Council meeting.

This committee meets quarterly in the Benicia Unified School District meeting room.

The next regular meeting is scheduled for Thursday, June 23, 2011 and the agenda is not yet available.

**AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : April 13, 2011

TO : Mayor Patterson
Vice Mayor Campbell

FROM : City Manager

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the April 19, 2011 Council meeting.

The next meeting of the Sky Valley Committee is scheduled for Wednesday, May 4, 2011 and the agenda for that meeting is not currently available.

The committee meets quarterly.

**AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : April 5, 2011

TO : Mayor Patterson
Council Member Campbell

FROM : City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the April 19, 2011 Council meeting.

The last Board of Directors meeting was held on Thursday, March 24, 2011. The agenda for that meeting is attached. The minutes are not yet available.

The next Board of Directors meeting will be held on Thursday, May 26, 2011 at 9:00 am at Jelly Belly Candy Company. The agenda for that meeting is not yet available.

Attachment:

- March 24, 2011 Agenda

**AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : April 12, 2011

TO : Mayor Patterson
Council Member Ioakimedes

FROM : Director of Public Works and Community Development

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the April 19, 2011 City Council meeting.

The minutes from the STA Board meeting held on March 9, 2011 are not currently available, but the agenda is attached.

A STA Board meeting will be held on April 20, 2011 in the Suisun City Hall Council Chambers and the agenda for that meeting is not currently available.

Attachment:

- March 9, 2011 Agenda



**SOLANO TRANSPORTATION AUTHORITY
BOARD MEETING AGENDA
6:00 p.m., Regular Meeting
March 9, 2011
Suisun City Hall Council Chambers
701 Civic Center Drive
Suisun City, CA 94585**

Mission Statement: To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

Public Comment: Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 2 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency. **Speaker cards are required in order to provide public comment. Speaker cards are on the table at the entry in the meeting room and should be handed to the STA Clerk of the Board. Public comments are limited to 2 minutes or less.**

Americans with Disabilities Act (ADA): This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Johanna Masielat, Clerk of the Board, at (707) 424-6008 during regular business hours at least 24 hours prior to the time of the meeting.

Staff Reports: Staff reports are available for inspection at the STA Offices, One Harbor Center, Suite 130, Suisun City during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at jmasielat@sta-snci.com. **Supplemental Reports:** Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the STA Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

Agenda Times: Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

ITEM

BOARD/STAFF PERSON

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE
(6:00 – 6:05 p.m.)

Chair Price

II CONFIRM QUORUM/ STATEMENT OF CONFLICT

Chair Price

An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.

STA BOARD MEMBERS

Harry Price Chair City of Fairfield	Jack Batchelor, Jr. Vice-Chair City of Dixon	Elizabeth Patterson City of Benicia	Jan Vick City of Rio Vista	Pete Sanchez City of Suisun City	Steve Hardy City of Vacaville	Osby Davis City of Vallejo	Jim Spering County of Solano
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STA BOARD ALTERNATES

Rick Fuller	Chuck Timm	Mike Ioakimedes	Janith Norman	Mike Hudson	Ron Rowlett	Erin Hannigan	John Vasquez
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The complete STA Board Meeting Packet is available on STA's Website at www.solanolinks.com

III. APPROVAL OF AGENDA

IV. OPPORTUNITY FOR PUBLIC COMMENT

(6:05 – 6:10 p.m.)

V. EXECUTIVE DIRECTOR’S REPORT – Pg. 1

(6:10 – 6:15 p.m.)

Daryl K. Halls

VI. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND STA

(6:15 – 6:25 p.m.)

A. Caltrans Report

1. Hunter Hill Rest Stop

Doanh Nguyen

B. Directors Report:

1. Planning
2. Projects
3. Transit/Rideshare

Robert Macaulay

Sam Shelton

Elizabeth Richards

VII. CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(6:25 - 6:30 p.m.)

A. STA Board Meeting Minutes of February 9, 2011

Johanna Masiclat

Recommendation:

Approve STA Board Meeting Minutes of February 9, 2011.

Pg. 5

B. Draft TAC Meeting Minutes of February 23, 2011

Johanna Masiclat

Recommendation:

Approve Draft TAC Meeting Minutes of February 23, 2011.

Pg. 13

C. Comprehensive Transportation Plan (CTP) Consultant Scope of Work

Robert Macaulay

Recommendation:

Authorize the Executive Director to release a Request for Proposal (RFP) for consultant services for the STA’s CTP update and enter into an agreement in an amount not-to-exceed \$125,000.

Pg. 17

D. Solano Countywide Bicycle Locker Study

Robert Guerrero

Recommendation:

Approve STA to conduct a Solano Countywide Bicycle Locker Study.

Pg. 29

- E. Solano Rail Crossing Inventory and Improvement Plan** Robert Macaulay
Recommendation:
Adopt the Solano Rail Crossing Inventory and Improvement Plan.
Pg. 31
- F. 2011 STA SR2S Countywide Plan Update & Mapping Project Scope of Work** Sam Shelton
Recommendation:
Approve the following:
- 1. Approve the Scope of Work for the SR2S 2011 Plan Update & Mapping Project in Attachment A; and*
 - 2. Authorize the Executive Director to release a Request for Proposals not-to-exceed \$335,000 for the SR2S 2011 Plan Update & Mapping Project as shown in Attachment A, upon authorization of federal funding.*
- Pg. 33**

VIII. ACTION FINANCIAL ITEMS

- A. Solano County Clean Air Grant Priorities** Robert Guerrero
Recommendation:
Approve the allocation of Bay Area Transportation for Clean Air Funds (TFCA) and prioritization of Yolo Solano County Clean Air Funds as follows:
- 1. \$200,000 from Bay Area TFCA for Solano Napa Commuter Information (SNCI) Program; and*
 - 2. \$30,000 from Bay Area TFCA and Prioritization of \$30,000 from the Clean Air Program for the Solano Safe Routes to School (SR2S) Program (\$60,000 total).*
- (6:30 – 6:35 p.m.)
Pg. 39
- B. Transfer of Land for the I-80/I-680/State Route (SR) 12 Interchange Project** Bernadette Curry
Recommendation:
Adopt Resolution No. 2011-05 authorizing the Executive Director to negotiate with the City of Fairfield and the Fairfield Redevelopment Agency for the transfer of those parcels necessary for the I-80/I-680/SR12 Interchange Project.
(6:35 – 6:40 p.m.)
Pg. 41

IX. ACTION NON-FINANCIAL ITEMS

- A. Regional Transportation Plan (RTP) Update and Solano Call for Projects Draft List** Robert Macaulay
Recommendation:
Approve the following:
1. *Release the Draft Solano RTP Project List for public review; and*
 2. *Issue a call for projects to be included in the Solano RTP Project List.*
- (6:40 – 6:50 p.m.)
Pg. 45
- B. STA Project Delivery Policy** Sam Shelton
Recommendation:
Adopt the STA Project Delivery Policy as shown in Attachment B.
(6:50 – 6:55 p.m.)
Pg. 39
- C. Agricultural Land and Open Space Preservation** Robert Macaulay
Recommendation:
Authorize the STA Chair to forward a letter to MTC and ABAG supporting financial incentives for preservation of agricultural and open space lands.
(6:55 – 7:00 p.m.)
Pg. 77

X. INFORMATIONAL – NO DISCUSSION

- A. Legislative Updates** Bernadette Curry
Pg. 85
- B. Fiscal Year (FY) 2011-12 Transportation Development Act (TDA) and State Transit Assistance Funds (STAF) Fund Estimates**
Pg. 93
- C. Project Delivery Update** Jessica McCabe
Pg. 99
- D. Funding Opportunities Summary** Sara Woo
Pg. 105
- E. STA Board Meeting Schedule for Calendar Year 2011** Johanna Masielat
Pg. 111

XI. BOARD MEMBERS COMMENTS

XII. ADJOURNMENT

The next regular meeting of the STA Board is scheduled at a **Special Time and Date**: **Wednesday, April 20, 2011, 4:00 p.m., Suisun City Hall Council Chambers.**

AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 12, 2011

TO : Mayor Patterson
Vice Mayor Schwartzman

FROM : Director of Public Works and Community Development

SUBJECT : **SOLANO WATER AUTHORITY**

The following information is provided for your committee report at the April 19, 2011 City Council meeting.

The minutes from the meeting held on February 23, 2011 are attached. A meeting was held on March 10, 2011 and the agenda from that meeting is included, the minutes from that meeting are not available.

The next Solano Water Authority (SWA) Board of Directors meeting scheduled to be held on April 14, 2011, has been cancelled and the notice is attached.

The next Solano Water Authority (SWA) Board of Directors meeting will be on May 4, 2011, the agenda for that meeting is not yet available.

The SWA also has a Delta Committee that typically meets each month directly before the regular SWA meeting.

Attachments:

- ❑ 3-23-11 Minutes
- ❑ 3-10-11 Agenda
- ❑ 4-10-11 Cancellation Notice

**Solano Water Advisory Commission
Meeting Minutes
February 23, 2011**

Present: David Okita and Thomas Pate, Solano County Water Agency; Steve Sawyer, Vacaville; Erik Nugteren, Vallejo; Felix Riesenber, Fairfield; Rick Wood, guest.

The meeting was called to order at 12:45 PM. There was no quorum of the Commission.

1. Approval of Minutes

Minutes of January 26, 2011 were deferred for lack of quorum

2. SCWA General Manager's Report

David Okita reported on the status of BDCP. Parties are still negotiating operational constraints on diversion facilities but have narrowed issues down to one major issue. There are still several other hurdles for BDCP even if they resolve these issues.

David reported that Senator Wolk has authored a bill that is meant to provide some assurances for the Delta if a new Delta facility is built. SB 200 is currently in a placeholder format, taking language from the SB 200 from 1980. The bill is expected to be amended. It is unclear whether the Delta Counties Coalition has agreed to sponsor the bill.

David reported that staff will be making a presentation to the SCWA Board at the next meeting regarding risks to the water supply of the Solano Project.

Thomas reported that he expects to soon get a report from DWR on refurbishment of the Barker Slough pumping plant and the installation of the 10th pump.

3. PSC/NBA Maintenance Scheduling

No report.

4. Solano Water Authority Report

No report.

5. Emergency Coordination; Energy Curtailment and Power Outage Issues; PSC Impacts

There was no report.

6. Water Conservation and Recycling Program

Members discussed their approach to meeting the 20% conservation requirement of the new law.

7. Legislative/Initiative/Court Decision Issues Not Discussed Above

Area of Origin lawsuit Trail Setting Conference date is being established.

8. New Business

No new business.

9. Public Comments

There were no public comments.

The next meeting is scheduled for March 23, 2011 at the new SCWA/SID office.

The meeting adjourned at 2:00 PM.

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

DATE: Thursday, March 10, 2011

TIME: 7:00 p.m. (Note CCCC Meeting is from 6:30-7:00)

PLACE: Solano Irrigation District
508 Elmira Road
Vacaville

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **PUBLIC COMMENT**

Limited to 5 minutes for any one item not scheduled on the Agenda.

5. **CONSENT ITEMS**

- (A) Minutes: Approval of the Minutes of the Board of Directors meeting of February 10, 2011 is recommended.
- (B) Expenditure Approvals: Approval of the February checking account register and list of checks \$500 and over to be paid is recommended.
- (C) Amendment to KC Engineering Agreement for Construction Inspection Services: Authorization of the Chairman to execute Amendment #4 to agreement with KC Engineering for construction inspection services for Putah Diversion Office Compound Project is recommended. Cost increase of \$14,000 from \$61,000 to \$75,000.
- (D) Putah Creek Floodplain Restoration Project: Adopt "prequalification of bidders" process. Authorization for staff to advertise for bidders to pre-qualify for the Lower Putah Creek Coordinating Committee's Winters Putah Creek Park: Channel Realignment Project and to appoint an appeals panel is recommended.

P.O. Box 349 • 6040 Vaca Station Road, Building 84
Elmira, California 95625-0349
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



X.B.9.5

- (E) Putah Diversion Compound Renovation Project: Construction Contract Change Orders: Authorization of General Manager to approve construction contract change orders up to \$120,000 for the Putah Diversion Compound Renovation Project is recommended.

- (F) Putah Creek Flood Reduction and Habitat Improvement Project: Adoption of Resolution No. 2011-1 authorizing submission of a grant application and an agreement with the State of California for combined Proposition 84 and Proposition 1E grant funding for the Putah Creek Flood Reduction and Habitat Improvement Project if awarded on behalf of the Lower Putah Creek Coordinating Committee is recommended.

6. BOARD MEMBER REPORTS

RECOMMENDATION: For information only.

7. GENERAL MANAGER'S REPORT

RECOMMENDATION: For information only.

8. DELTA REPORT

RECOMMENDATION: Hear report from staff on various Delta activities. Provide direction as appropriate.

9. SOLANO PROJECT FUTURE WATER SUPPLY RISKS

RECOMMENDATION: Hear report from staff on status of Putah Creek Accord settlement and future potential risks to Solano Project water supply.

10. LEASE FOR WAREHOUSE SPACE

RECOMMENDATION: Authorize Chairman to execute a long term lease with the Solano Irrigation District for 902 square feet of warehouse space that is part of the new SID warehouse on Piper Drive in Vacaville adjacent to the new SID/SCWA office building. One-time payment of \$142,173.

11. TIME AND PLACE OF NEXT MEETING

Thursday, April 14, 2011 at 6:30 pm at the Solano Irrigation District offices.

The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency's website at www.scwa2.com.

SOLANO COUNTY WATER AGENCY



ATTENTION!!

BOARD MEETING CANCELATION NOTICE!

The Solano County Water Agency's April 14 Board of Directors meeting has been **canceled**.

Our next Board meeting will be taking place on Thursday, May 12 at the new Solano County Water Agency Board Room at 6:30 pm.

EXECUTIVE COMMITTEE MEETING CANCELATION NOTICE!

The Solano County Water Agency's April 6 Executive Committee meeting has also been **canceled**.

Our next Executive Committee meeting will be taking place on Wednesday, May 4 at 6:00 pm via conference call.

April.BOD.Cancelation.Notice.doc

P.O. Box 349 • 6040 Vaca Station Road, Building 84
Elmira, California 95625-0349
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



X.B.9.7

AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 12, 2011

TO : Council Member Hughes
Council Member Ioakimedes

FROM : Director of Public Works and Community Development

SUBJECT : **TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE**

The following is provided for your committee report at the April 19, 2011 Council meeting.

The Traffic, Pedestrian and Bicycle Safety (TPBS) Committee meets quarterly at 7:00 p.m. in the Commission Room at City Hall.

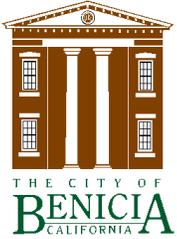
Due to a conflict with the Earth Day event, the April 21, 2011 scheduled meeting is cancelled.

A special committee meeting for the West K Street Traffic Calming Plan has been scheduled for **Monday, April 25** at 6:30 pm (at the site) and will continue at City Hall, in the Commission Room at 7:15 pm. The special meeting agenda is being developed and will be posted according to the City's Open Government requirements. In addition, public notices will be published in the Benicia Herald and mailed to affected residents and other members of the public who have expressed an interest.

A regular meeting was held on January 20, 7:00 pm, in the Commission Room. That meeting agenda is attached for your information. The meeting minutes from this meeting are not available yet but will be scheduled for the Committee's approval at their next regular meeting.

Attachment:

- TPBS Committee agenda January 20, 2011 regular meeting



City of Benicia
**TRAFFIC PEDESTRIAN &
BICYCLE SAFETY (TPBS) COMMITTEE**

REGULAR MEETING
City Hall – Commission Room
Thursday, January 20, 2011
7:00 pm

AGENDA

I. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Fundamental Rights Statement

II. APPROVAL OF MINUTES

- May 20, 2010 Special Meeting

III. PUBLIC COMMENT

IV. INFORMATIONAL ITEMS:

1. Tree Inventory Master Plan Project and City Streets – M. Giuliani
2. New Traffic Data Collection Equipment – Sgt. Hartig

V. ACTION ITEMS

1. West K Street Traffic Calming Request (W 7th to Military West) – Mike Roberts
Recommendation: The Committee receive public comments about traffic concerns on West K Street and then make a determination if the City's traffic calming program would be appropriate to address those concerns.
2. Meeting Calendar for 2011.
Recommendation: The Committee review and approve the calendar for regularly scheduled TPBS meetings for 2011 calendar year.

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

Public Participation

The Traffic Pedestrian and Bicycle Safety (TPBS) Committee welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The TPBS Committee allows speakers to speak on agenda and non-agenda matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the TPBS Committee.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for the TPBS Committee discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the TPBS Committee.

Public Records

The agenda packet for this meeting is available at the Public Works & Community Development Department, City Clerk's Office and the Benicia Public Library during regular work hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." If you wish to submit written information on an agenda item, please submit to Kathy Trinke, Administrative Secretary, as soon as possible so that it may be distributed to the Committee.

AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 13, 2011

TO : Mayor Patterson
Vice Mayor Campbell

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**

The following information is provided for your committee report at the April 15, 2011 Council meeting.

The last scheduled meeting between the Governing Board and Citizens Advisory Committee took place on Monday, March 14, 2011 and the agenda from that meeting is attached. The minutes from the December 13, 2011 are not attached to this report because there was no Governing Board quorum on March 14, 2011 and as such this item will be continued to June 13. In addition, the minutes from the March 14, 2011 meeting will be considered at the June 13, meeting.

Attachment:

- Agenda from March 14, 2011



AGENDA

JOINT GOVERNING BOARD/ CITIZENS ADVISORY COMMITTEE MEETING

March 14, 2011

7:00 p.m.

Committee Room

250 East L Street

Benicia, CA

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Introductions**
- 4. Public Comment**
- 5. Approval of Minutes from December 13, 2010**
- 6. Update on Solano Land Trust Activities (SLT Staff)**
- 7. Report by Regional Park Subcommittee**
 - a. Report on Solano Open Space Presentations**
 - b. Status of Lynch Canyon Signs**
 - c. Status of Open Space Brochure**
 - d. Website Report**
 - e. Lynch Canyon: Discussion of Public Access Options and Issues**
- 8. Future Agenda Items/Closing Remarks**
- 9. Adjourn**

**AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : April 12, 2011
TO : Council Member Hughes
FROM : City Manager
SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the March 15, 2011 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way.

The next meeting is scheduled for Wednesday May 4, 2011 and agenda for the meeting is not currently available.

AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORT

DATE : March 24, 2011

TO : Mayor Elizabeth Patterson
Council Member Mike Ioakimedes
Council Member Schwartzman

FROM : Youth Action Coalition

SUBJECT : **YOUTH ACTION COALITION**

The next Benicia Youth Action Coalition meeting will be held on Wednesday, April 27, 2011 at 3:30 p.m. in the Commission Room at City Hall. The agenda is not yet available.

The approved minutes from the February 23, 2011 meeting are attached.

Attachment:

- February 23, 2011 minutes

BENICIA YOUTH ACTION COALITION
FEBRUARY 23, 2011
MINUTES

Present

Jerry Pollard	Chairman, Police Chaplaincy, Faith
Gary Wing	Vice Chair, Member at Large (Crisis/Faith)
Heidi Wing	Student, Youth Commission
Jim Trimble	Vice Chair, County Reducing Rates Coalition
Ann Dunleavy	Superintendent, Parks and Community Services
Del Royer	County/City Team Coordinator
Annie Lloyd	Retired Teacher/Member at Large
Janice Adams	Superintendent, Benicia Unified School District
Mike Ioakimedes	Councilmember, City of Benicia
Alan Schwartzman	Vice Mayor, City of Benicia
Mike Minahen	Vice Principal, Benicia Middle School
John McFadden	School Resource Officer, Benicia Police Department
Keith Jordan	School Psychologist, BUSD
Ernest Gutierrez	City Parks Commission
Ron Wheat	Vice Principal, Benicia High School
Mary Frances Kelly-Poh	Community Member
Patti Baron	BYAC Coordinator

Guest: Lynne Cannady, LPC Consulting Associates

Call to Order:

Chairman Jerry Pollard called the meeting to order at 3:31 p.m. Chairman Pollard referred to the Fundamental Rights of the Public.

Welcome and Introductions: Del Royer, the County's City Team Coordinator was introduced. Lynne Cannady was introduced from LPC Consulting who is assisting the City Teams in preparing their Community Organizing Plans.

Approve Agenda:

Chairman Pollard suggested item # 5 on the agenda, Community Organizing Overview be moved after item #7 in order to provide more time. With this change the agenda was approved.

Motion: Janice Adams Second: Gary Wing Approved: unanimous

Approve Minutes:

The minutes of the January 26, 2011 did not reflect Ann Dunleavy in attendance. With this correction the minutes were approved.

Motion: Gary Wing Second: Keith Jordan Approved: unanimous

Reducing Rates Coalition Updates: Jim Trimble reported the Reducing Rates Coalition will make a presentation at the Board of Supervisors budget study session on March 1st. The County City Teams have been asked to send as many team members as possible. Jim stated the study session will include presentations from the various county non-profit organizations. The RRC will present a Strategic Plan asking for a one year bridge of funding to retain AIM, Committed Program, and Mentoring which would provide time to find other funding sources for these programs. Chairman Pollard indicated he would plan on attending the meeting. Coordinator Patti Baron and Annie Lloyd stated they would attend.

Community Forums: Keith Jordan reported the next forum is on March 3rd.

Committed Project: Coordinator Patti Baron reported she will be meeting with students from the Committed Program to see what projects they may need our assistance.

Medical Marijuana Dispensaries: Chairman Jerry Pollard reported the Council recently approved City staff's recommendation to continue the ban on medical marijuana dispensaries, even though the Planning Commission had recommended not to support the recommendation. Councilmember Mike Ioakimedes stated the issue will come back before the Council in the future and would like the Coalition to consider reviewing all sides of the issue. He said the public comments in favor of dispensaries were compelling and would like for the Coalition to be open to future discussions. Jim Trimble expressed his concern the public comments played on emotions and decisions relating to MJ dispensaries should be based on business common sense. Chairman Pollard stated the Coalition would continue to weigh in on this issue in the future.

Community Organizing: The meeting was turned over to consultant Lynne Cannady. Lynne provided a power point presentation on "What is the Logic Model"? The logic model is the framework for Planning, Implementing and Accountability in developing a Community Organizing Plan. After the power point presentation, a questionnaire worksheet was handed out and the group was asked to give their responses to the questions. The responses would be used to form the first draft of the logic model. At next month's meeting, the responses will be shared with the members and the first draft of the logic model will be reviewed.

Adjourn: The meeting was adjourned at 4:50 p.m.

Next Meeting: March 23rd, 3:30 p.m. Commission Room

AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 12, 2011
TO : City Council
FROM : Mayor Patterson
SUBJECT : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The following information is provided for your committee report at the April 19, 2011 City Council meeting.

The next meeting is scheduled for June 27, 2011 the agenda is not currently available. Meetings are from 10:00 a.m. to 12:30 p.m. at the State Coastal Conservancy, 11th floor conference room, 1330 Broadway at 13th Street, Oakland.

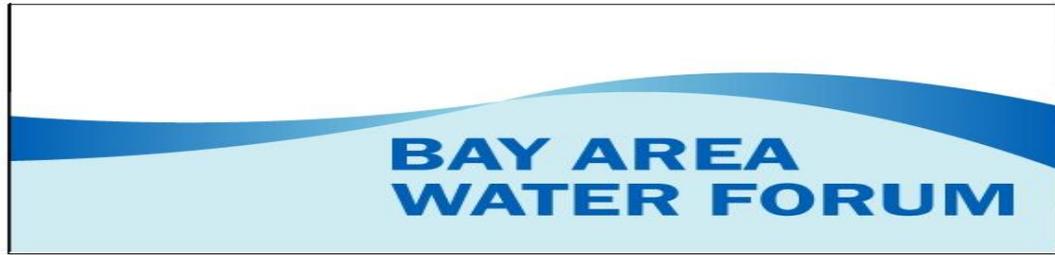
The agenda from the meeting held on March 28, 2011 is attached

The topics for the next meeting are:

- Regional Efforts Around Greenhouse Gases – Is There a Role for the Water Community?
- Regional Cooperation on Water Issues

Attachment:

- March 28, 2011 Agenda



Groundwater Management: New Initiatives at the State Capitol and in the Bay Area

Monday, March 28, 2011, 10 AM – 12:30 PM

Meeting Location: State Coastal Conservancy, 11th floor conference room, 1330 Broadway at 13th Street, Oakland

Conference Call / Webinar Information:

- To participate remotely, you must call in AND you can join the online webinar to observe
- Dial 1-888-422-7120, Access Code: 555450# - **Please mute and do not put us on hold**
- Online Presentation Viewing link: <https://www1.gotomeeting.com/register/155909040>
- Webinar registration can take 10 minutes - please register in advance

AGENDA

10:00 Welcome and Introductions

10:10 Forum Business

- Updates from Co-Chairs Cynthia Murray, North Bay Leadership Council; Elizabeth Patterson, City of Benicia; David Nesmith, Environmental Water Caucus; and Katy Foulkes, EBMUD
- Updates: Legislative, Committee Reports, IRWMP, DWR

10:15 Update on Recent Climate Change Initiatives

- **David Behar**, Climate Program Director, San Francisco PUC
- **Bruce Riordan**, Climate Consultant, Joint Policy Committee (ABAG/BCDC/BAAQMD/MTC)

10:30 Groundwater Management: New Initiatives at the State Capitol and in the Bay Area

- **Tim Parker**, Principal, Parker Groundwater, will discuss state groundwater policy issues, current efforts in Sacramento and how local agencies can influence the legislation;
- **Marcus Trotta**, Water Agency Hydrogeologist, Sonoma County Water Agency, will discuss the Agency's experience working with a variety of stakeholders to develop collaborative groundwater management plans.

12:25 Wrap Up and Adjourn

www.baywaterforum.org

Directions to the Meeting

The State Coastal Conservancy offices are roughly three blocks from our previous meeting location and close to numerous parking lots. The meeting site is across Broadway from the Oakland City Center 12th Street BART Station. From the **south**, take I-880 to the Broadway/Downtown exit, merge onto 6th Street, and turn right on Broadway. From the **Bay Bridge** or **north**, take I-580 E towards Hayward/Stockton, merge onto I-980 W, take the 18th Street exit towards 14th Street, turn left on 14th Street, then right on Broadway.

[Get directions](#)

[See map of parking lots](#)



Webinar Instructions

To participate in the webinar, you must call in using a regular telephone line. If you'd like to view the session and ask questions via the web, you must also log-in online.

Asking Questions?

There are several ways to ask questions if you are participating remotely:

- 1) Ask the facilitator, via the telephone, to be put in the queue
- 2) Put you "hand up" through the webinar function and the facilitator will call on you to speak
- 3) Type a question on the webinar "questions" segment. The facilitator will then raise your question with the presenter.

Problems?

- You can type questions to the facilitator
- You can also call the Center for Collaborative Policy, 916-445-2079, and seek assistance with someone at the front desk.

Working Agreements

- One person speaks at a time.
- **Do not put the conference on hold, as music will then prevent other participants from hearing the speakers.** Please hang up/call back later or put us on mute instead.
- Please **mute your phones** unless using them to speak.
- Participants are encouraged to use the Webinar "raise your hand" function to alert the Facilitator when they have a specific comment.
- For those participants on the phone and NOT on the Webinar, the Facilitator will invite comments from those on the phone.

NEXT MEETING	Monday, June 27, 2011
TOPICS	<ul style="list-style-type: none">▪ Regional Efforts Around Greenhouse Gases – Is There a Role for the Water Community?▪ Regional Cooperation on Water Issues

www.baywaterforum.org

The Bay Area Water Forum serves as a venue for encouraging regional cooperation, education and exchange of ideas on critical Bay area water issues. Monthly meetings are open to all interested parties. The Forum is sponsored by numerous Bay area water agencies and consulting firms along with the State Coastal Conservancy.

AGENDA ITEM
CITY COUNCIL MEETING: APRIL 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 13, 2011

TO : Mayor Patterson
Council Member Ioakimedes

FROM : Finance Director

SUBJECT : **SOLANO COUNTY TRANSIT BOARD MEETING**

The following information is provided for your committee report at the April 19, 2011 Council meeting.

The Solano County Transit Joint Powers Authority (SolTrans JPA) held a Board Meeting on [March 17, 2011](#) in the Council Chambers in Benicia. The next scheduled meeting will be on April 21, 2011 in the Council Chambers in [Vallejo](#).

The minutes from the February 17, 2011 meeting and the Agenda from March 17, 2011 are attached for your review.

Attachment:

- Agenda and Minutes

SOLTRANS

SOLANO COUNTY TRANSIT BOARD MEETING AGENDA

3:30 Closed Session
4:00 p.m., Regular Meeting
Thursday, March 24, 2011
Benicia Council Chambers

Public Comment: Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 3 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency.

Americans with Disabilities Act (ADA): This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Johanna Masiclat, Clerk of the Board, at (707) 424-6008 during regular business hours at least 24 hours prior to the time of the meeting.

Staff Reports: Staff reports are available for inspection at the STA Offices, One Harbor Center, Suite 130, Suisun City during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at jmasiclat@sta-snci.com. **Supplemental Reports:** Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the STA Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

Agenda Times: Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

ITEM

BOARD/STAFF PERSON

I. CLOSED SESSION:

A. ANTICIPATED LITIGATION

Pursuant to **CA Gov't Code §54956.9**

(3:30 – 4:00 p.m.)

II. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Osby Davis, Mayor
City of Vallejo

(4:00 – 4:05 p.m.)

III. CONFIRM QUORUM/ STATEMENT OF CONFLICT

Johanna Masiclat
Clerk of the Board for the STA

An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.

SOLTRANS BOARD MEMBERS

Elizabeth Patterson	Mike Ioakimedes	Osby Davis	Erin Hannigan	Jim Spering	Harry Price
City of Benicia	City of Benicia	City of Vallejo	City of Vallejo	MTC Representative	STA Ex-Officio
Alternate Board Member Mark Hughes		Alternate Board Member Stephanie Gomes (Pending)			

The complete SolTrans Board Meeting Packet is available on STA's Website at www.solanolinks.com

X.B.15.3

IV. APPROVAL OF AGENDA

V. OPPORTUNITY FOR PUBLIC COMMENT

(4:05 – 4:10 p.m.)

VI. SWEARING IN OF NEW SOLTRANS BOARD MEMBERS

1. Stephanie Gomes

Alternate Board Member Representing the City of Vallejo

Johanna Masiclat,
STA

VII. COMMENTS FROM STAFF

(4:10 – 4:15 p.m.)

VIII. CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(4:15 - 4:20 p.m.)

A. Meeting Minutes of February 17, 2011

Johanna Masiclat, STA

Recommendation:

Approve the meeting minutes of February 17, 2011.

Pg. 1

B. Adoption of SolTrans Budget Policy

Nancy Whelan,
Finance Consultant

Recommendation:

Approve the attached SolTrans Budget Policy.

Pg. 7

C. Resolution Adopting SolTrans Purchasing Policy

Greg Anderson
City of Vallejo

Recommendation:

Adopt the attached resolution adopting the SolTrans Purchasing Policy.

Pg. 11

IX. ACTION ITEMS – ADMINISTRATIVE/FINANCE

A. Proposed Adoption of SolTrans Bylaws

Bernadette Curry,
Legal Counsel

Recommendation:

Adopt the attached SolTrans bylaws.

(4:20 – 4:30 p.m.)

Pg. 49

X. ACTION ITEMS – PLANNING AND OPERATIONS

A. None presented.

XI. INFORMATIONAL

- A. **Proposed SolTrans FY 2012 Budget Schedule, Assumptions, and Process**
Informational
(4:30 – 4:40 p.m.)
Pg. 57
Nancy Whelan,
Finance Consultant
- B. **Short Range Transit Plan (SRTP) Status**
Informational
(4:40 – 4:45 p.m.)
Pg. 59
Jeanine Wooley,
City of Vallejo
- C. **Status of Benicia Breeze and Vallejo Transit Fleet Capital**
 - **Procurements/Minor Projects**
 - **Presentation of Major Projects***Informational*
(4:45 – 5:00 p.m.)
Pg. 61
Liz Niedziela, STA
Gary Leach, City of Vallejo
Charlie Knox, City of Benicia
- D. **Status of SolTrans Branding and Marketing Request for Proposal (RFP)**
Informational
(5:00 – 5:05 p.m.)
Pg. 69
Liz Niedziela, STA

XII. BOARD MEMBERS COMMENTS

XIII. ADJOURNMENT

The next regular meeting of the SolTrans Board is *tentatively* scheduled for **Thursday, April 21, 2011, 4:00 p.m., Vallejo City Hall Council Chambers.**

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II. CONFIRM QUORUM/STATEMENT OF CONFLICT

A quorum was confirmed by the Clerk of the Board. There was no Statement of Conflict declared at this time.

III. APPROVAL OF AGENDA

On a motion by Vice Chair Patterson, and a second by Board Member Ioakimedes, the SolTrans Board approved the agenda.

IV. OPPORTUNITY FOR PUBLIC COMMENT

None presented.

V. SWEARING IN OF NEW SOLTRANS BOARD MEMBERS

1. Mark Hughes

Alternate Board Member Representing the City of Benicia

VI. COMMENTS FROM STAFF:

- Presentation: State Transit Update presented by Josh Shaw, California Transit Association

VII. CONSENT CALENDAR

On a motion by Vice Chair Patterson, and a second by Board Member Hannigan, the SolTrans JPA Board approved Consent Calendar Item A and B.

A. Meeting Minutes of December 15, 2010

Recommendation:

Approve the meeting minutes of December 15, 2010.

B. Resolution Adopting SolTrans Conflict of Interest Code

Recommendation:

Approve Resolution No. 2011-01 adopting the SolTrans Conflict of Interest Code as specified in Attachment A.

VIII. ACTION ITEMS – ADMINISTRATIVE/FINANCE

A. Delegation of Authority for Transit Operating Contract Negotiations

Bernadette Curry reviewed the coordination process of negotiations between the three different contracts with MV Transportation between the City of Benicia and the City of Vallejo. She cited that in order to avoid any interruptions in service if the contracts were to expire on June 30, 2011, the Transition Team is recommending proceeding forward with the request for delegated authority to the respective City Councils even though the SolTrans Chief Executive Officer has not yet been selected. She added that due to the short negotiation window, a recommendation as to proceed with either the current provider or with the preparation of a new RFP must be developed no later than this Board’s March meeting.

Public Comments:

None presented.

Board Comments:

After discussion, the SolTrans JPA Board stated that if an extension to the contracts can not be negotiated that addresses compliance with the current contract and contains the operating cost reduction with the current contract, the Transition Team is authorized to combine the contracts into a single Request for Proposal (RFP) and a new solicitation be conducted in anticipation of the contract expiration dates of June 30, 2011.

Recommendation:

Authorize staff to send a request for the delegation of authority to negotiate contract amendments on behalf of the cities of Benicia and Vallejo to the City Councils of Benicia and Vallejo.

On a motion by Vice Chair Patterson, and a second by Board Member Hannigan, the SolTrans JPA Board unanimously approved the recommendation.

B. Proposed SolTrans Employee Benefits/CEO Salary Range

John Harris reviewed the process for recruitment of the SolTrans Chief Executive Officer (CEO). He indicated that discussions on a salary scale and employee benefits were made by the Recruitment and Management Subcommittees. He outlined the matrix of comparable agency CEO/General Manager (GM) salaries and PERS retirement options. With input from the Recruitment and Management Committees, it is recommended that a CEO salary range of \$10,500 to \$12,500 monthly and a PERS retirement plan of 2% at 55.

Public Comments:

None presented.

Board Comments:

Vice Chair Patterson commented on the potential development of a performance measure based on a metric based on the amount of grants brought to the JPA for operations, ridership with the person to be rewarded for bringing that to the community. This will provide a lower based salary and achieve this through performance pay.

Daryl Halls responded that could be included as part of the application and recommended this go back to the subcommittee for them to come back with recommendations.

Board Member Ioakimedes stated he would like to see PERS retirement plan of 2% at 60. He noted that his experience is that PERS is the most inflexible and most difficult to change if we move forward. He noted that we need to be more cognizant as we move forward. He continued to say that if SolTrans lock ourselves at a 55 retirement age, we would be the last of the old style HR system. He added that if we need to be more competitive, we need to introduce PARS; a number of organizations have gone on this direction.

Board Member Hannigan agreed with Councilmember Ioakimedes. She stated that she feels that if the entire county will eventually consolidate then suggests stepping out compared to local agencies. She noted that SolTrans could supplement with PARS, confirming that PARS is more flexible than the PERS system. She stated the Board needs to look at this differently, consider that eventually the entire county will be consolidating. Hannigan stated that she would rather have movement and flexibility and supports 2% at 60 PERS.

Vice Chair Patterson cited that if this is what the subcommittee desires, there are alternative routes. There are downsides and it could discourage applicants. She indicated her support after consideration.

Chair Davis noted his support and that it is time to look at the future. Agency can't get comfortable, but rather look at setting new standard for retirement benefits. Looking forward 15 years, people are living a lot longer. PERS Is not only rigid but very expensive.

Harry Price concurred with Chair Davis but advised to proceed cautiously.

Vice Chair Patterson asked if the retirement includes medical. Joy Apilado responded that medical is a separate issue. Board Member Patterson stated that this is a significant consideration for coming on board.

Daryl Halls recommended bringing back the full compensation package at the next meeting after review by the Subcommittee which will delay the recruitment.

Recommendation:

Approve the following:

1. The salary and benefits recommendations as shown on Attachments A and B which includes 2% at 55 **60** for PERS *with the rest of the package to be determined later including Vice Chair Patterson's request to look into performance measures*; and
2. Authorize recruitment of the Executive Director be initiated.

On a motion by Vice Chair Patterson, and a second by Board Member Hannigan, the SolTrans JPA Board approved the recommendation as amended shown above in ***bold italics***.

IX. ACTION ITEMS – PLANNING AND OPERATIONS

A. None presented.

X. INFORMATIONAL ITEMS

A. Discussion of SolTrans Bylaws

Bernadette Curry, SolTrans Legal Counsel, reviewed the process of adopting Bylaws which would establish the rules and conduct of SolTrans Board of Director meeting. She presented an updated draft set of bylaws indicating the mark-ups that were discussed at the January Board meeting. She stated that staff is seeking additional comments on the proposed changes.

REQUEST FOR ITEM ON COUNCIL AGENDA

Requested by:

Council Member Mike Ioakimedes

Requested Council Meeting Date:

April 19, 2011

Agenda Item Name:

Request to agendize the procedure for discussion of a methodology for use of outside consultants.

Specifically, that the use of a outside consultant fall under at least 1 of 3 categories:

"Class One"

When there is a special need (usually temporary) that goes beyond the scope and expertise of existing staff.

"Class Two"

When there is a vacant staff position and that position is needed to be filled on a interim basis.

"Class Three"

When the services of the outside consultant are paid for by a vendor, or applicant and is generally a pass through expense for the City.

Council Member Ioakimedes would like to propose that whenever an outside consultant is used that a category is listed in the staff report and that the staff report detail why there is a need to look outside existing City staffing.

Recommendation: Consider Council Member Ioakimedes' request to agendize this topic for future City Council meeting.

REQUEST FOR ITEM ON COUNCIL AGENDA

Requested by:

Council Member Mike Ioakimedes

Requested Council Meeting Date:

April 19, 2011

Agenda Item Name:

Request to agendaize consideration of a formal policy regarding hiring locally, specifically as it relates to the bidding process for professional services.

Recommendation: Consider Council Member Ioakimedes' request to agendaize this topic for future City Council meeting.

